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Rebecca McDowell Cook  
**Secretary of State**

# MISSOURI REGISTER

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|-----------------------------------|---|------------------------------------|----------------------------------|
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| August 1, 2000<br>August 15, 2000 | <b>Sept. 1, 2000</b><br><b>Sept. 15, 2000</b>   | Sept. 30, 2000<br>Sept. 30, 2000   | Oct. 30, 2000<br>Oct. 30, 2000   |
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| Title      | Code of State Regulations | Division         | Chapter                | Rule                    |
|------------|---------------------------|------------------|------------------------|-------------------------|
| 1          | CSR                       | 10-              | 1.                     | 010                     |
| Department |                           | Agency, Division | General area regulated | Specific area regulated |

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

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| h. Copies not Distributed  |   | 38   | 17  |
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**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

*health hazard, particularly to elderly and disabled individuals, since they are more susceptible to hypothermia.*

*The rule is necessary to preserve a compelling governmental interest requiring an early effective date in that the rule informs the public regarding income guidelines for receipt of assistance. The eligibility criteria for energy assistance changes each year based on poverty guidelines announced by the Federal government. It is essential for persons potentially eligible for low income home energy assistance to have timely information related to the income guidelines prior to the need for assistance. The procedure employed is fair to all interested parties concerned inasmuch as it equitably allocates energy assistance benefits based on household size and available resources. Emergency amendment filed August 31, 2000, effective October 1, 2000, expires March 28, 2001.*

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of a LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

## Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Division of Family Services Chapter 19—Energy Assistance

### EMERGENCY AMENDMENT

**13 CSR 40-19.020 Low Income Home Energy Assistance Program.** The Division of Family Services proposes to amend section (3) to reflect changes made in income levels based on Federal poverty guidelines.

*PURPOSE: The Emergency Amendment to this rule is being made to adjust the monthly income amounts on the LIHEAP Income Ranges Chart.*

*EMERGENCY STATEMENT: The division finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Amendment follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rule to the circumstances creating the emergency and requiring emergency procedure. An emergency amendment is necessary because of the planned implementation of the program in October, 2000. Postponing the date for acceptance of energy assistance applications will result in individuals having their utility service terminated. Termination of utility service can produce a*

*LIHEAP INCOME RANGES CHART  
Monthly Income Amounts*

| <i>Household<br/>Size</i> | <i>Income<br/>Range</i> | <i>Income<br/>Range</i> | <i>Income<br/>Range</i> | <i>Income<br/>Range</i> | <i>Income<br/>Range</i> |
|---------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| 1                         | \$0-172                 | \$173-344               | \$345-516               | \$517-688               | \$689-858               |
| 2                         | \$0-230                 | \$231-460               | \$461-690               | \$691-920               | \$921-1,152             |
| 3                         | \$0-266                 | \$267-532               | \$533-798               | \$799-1,064             | \$1,065-1,330           |
| 4                         | \$0-320                 | \$321-640               | \$641-960               | \$961--1,280            | \$1,281-1,600           |
| 5                         | \$0-374                 | \$375-748               | \$749-1,122             | \$1,123-1,496           | \$1497-1,871            |
| 6                         | \$0-428                 | \$429-856               | \$857-1,284             | \$1,285-1,712           | \$1,713-2,141           |
| 7                         | \$0-482                 | \$483-964               | \$965-1,446             | \$1,447-1,928           | \$1,929-2,411           |
| 8                         | \$0-536                 | \$537-1,072             | \$1,073-1,608           | \$1,609-2,144           | \$2,145-2,681           |
| 9                         | \$0-590                 | \$591-1,180             | \$1,181-1,770           | \$1,771-2,360           | \$2,361-2,952           |
| 10                        | \$0-644                 | \$645-1,288             | \$1,289-1,932           | \$1,933-2,576           | \$2,577-3,222           |
| 11                        | \$0-698                 | \$699-1,396             | \$1,397-2,094           | \$2,095-2,792           | \$2,793-3,492           |
| 12                        | \$0-752                 | \$753-1,504             | \$1,505-2,256           | \$2,257-3,008           | \$3,009-3,762           |
| 13                        | \$0-807                 | \$808-1,614             | \$1,615-2,421           | \$2,422-3,228           | \$3,229-4,033           |
| 14                        | \$0-861                 | \$862-1,722             | \$1,723-2,583           | \$2,584-3,444           | \$3,445-4,303           |
| 15                        | \$0-915                 | \$916-1,830             | \$1,831-2,745           | \$2,746-3,660           | \$3,661-4,573           |
| 16                        | \$0-969                 | \$970-1,938             | \$1,939-2,907           | \$2,908-3,876           | \$3,877-4,843           |
| 17                        | \$0-1,023               | \$1,024-2,046           | \$2,047-3,069           | \$3,070-4,092           | \$4,093-5,114           |
| 18                        | \$0-1,077               | \$1,078-2,154           | \$2,155-3,231           | \$3,232-4,308           | \$4,309-5,384           |
| 19                        | \$0-1,131               | \$1,132-2,262           | \$2,263-3,393           | \$3,394-4,524           | \$4,525-5,654           |
| 20                        | \$0-1,185               | \$1,186-2,370           | \$2,371-3,555           | \$3,556-4,740           | \$4,741-5,924]          |

**LIHEAP INCOME RANGES CHART****Monthly Income Amounts**

| <b>Household<br/>Size</b> | <b>Income<br/>Range</b> | <b>Income<br/>Range</b> | <b>Income<br/>Range</b> | <b>Income<br/>Range</b> | <b>Income<br/>Range</b> |
|---------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| 1                         | \$0-174                 | \$175-348               | \$349-522               | \$523-696               | \$697-870               |
| 2                         | \$0-234                 | \$235-468               | \$469-702               | \$703-936               | \$937-1,172             |
| 3                         | \$0-271                 | \$272-542               | \$543-813               | \$814-1,084             | \$1,085-1,356           |
| 4                         | \$0-326                 | \$327-652               | \$653-978               | \$979-1,304             | \$1,305-1,634           |
| 5                         | \$0-382                 | \$383-764               | \$765-1,146             | \$1,147-1,528           | \$1,529-1,912           |
| 6                         | \$0-438                 | \$439-876               | \$877-1,314             | \$1,315-1,752           | \$1,753-2,190           |
| 7                         | \$0-493                 | \$494-986               | \$987-1,479             | \$1,480-1,972           | \$1,973-2,468           |
| 8                         | \$0-549                 | \$550-1,098             | \$1,099-1,647           | \$1,648-2,196           | \$2,197-2,746           |
| 9                         | \$0-604                 | \$605-1,208             | \$1,209-1,812           | \$1,813-2,416           | \$2,417-3,024           |
| 10                        | \$0-660                 | \$661-1,320             | \$1,321-1,980           | \$1,981-2,640           | \$2,641-3,301           |
| 11                        | \$0-715                 | \$716-1,430             | \$1,431-2,145           | \$2,146-2,860           | \$2,861-3,579           |
| 12                        | \$0-771                 | \$772-1,542             | \$1,543-2,313           | \$2,314-3,084           | \$3,085-3,857           |
| 13                        | \$0-827                 | \$828-1,654             | \$1,655-2,481           | \$2,482-3,308           | \$3,309-4,135           |
| 14                        | \$0-882                 | \$883-1,764             | \$1,765-2,646           | \$2,647-3,528           | \$3,529-4,413           |
| 15                        | \$0-938                 | \$939-1,876             | \$1,877-2,814           | \$2,815-3,752           | \$3,753-4,691           |
| 16                        | \$0-993                 | \$994-1,986             | \$1,987-2,979           | \$2,980-3,972           | \$3,973-4,969           |
| 17                        | \$0-1,049               | \$1,050-2,100           | \$2,101-3,149           | \$3,150-4,198           | \$4,199-5,247           |
| 18                        | \$0-1,105               | \$1,106-2,210           | \$2,211-3,315           | \$3,316-4,420           | \$4,421-5,525           |
| 19                        | \$0-1,160               | \$1,161-2,320           | \$2,321-3,480           | \$3,481-4,640           | \$4,641-5,803           |
| 20                        | \$0-1,216               | \$1,217-2,432           | \$2,433-3,648           | \$3,649-4,864           | \$4,865-6,081           |



*AUTHORITY: section 207.020, RSMo 1994. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 31, 2000, effective Oct. 1, 2000, expires March 28, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**ORDER TERMINATING EMERGENCY  
AMENDMENT**

By the authority vested in the Department of Social Services, Division of Medical Services, under sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994, the division hereby terminates an emergency amendment effective September 4, 2000 as follows:

**13 CSR 70-15.010** Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology is terminated.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1383-1384).

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**EMERGENCY AMENDMENT**

**13 CSR 70-15.010** Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending sections (3), (6), (15), (16), and (18).

*PURPOSE: The emergency amendment to section (3) provides for the trend factors to the trended cost per day and per diem rate for State Fiscal Year (SFY) 2001 and allows for a per diem rate reduction to prevent a negative Direct Medicaid payment, the emergency amendment to section (6) adds an additional category of hospital which shall be provided a safety net adjustment, the emergency amendment to section (15) provides for using a base year cost report that is the most representative of costs for safety net hospitals and calls for the use of the twelve month report when a hospital has both a twelve month and partial year cost report in a calendar year, the emergency amendment to section (16) redefines the safety net adjustment and adds paragraph (16)(A)2 to authorize use of certified funds as the state share of the safety net adjustment, the authorization which was inadvertently deleted in a prior amendment, and the emergency amendment to section (18) adjusts the percent of uninsured costs paid for SFY 2001 and calls for the use of the twelve month report when a hospital has both a twelve month and partial year cost report in a calendar year.*

*EMERGENCY STATEMENT: The Balanced Budget Act of 1997 and the Terms and Conditions of the Medicaid Section III5 Health Care Reform Demonstration Project placed a limit on Federal Financial Participation made to Missouri for disproportionate share payments by establishing allotments for federal fiscal years (FFY) 1998 through 2002 and FFY 2003 and thereafter. The Division of Medical Services finds that this emergency amendment is necessary, to preserve a compelling governmental interest*

*requiring an early effective date in that the emergency amendment makes adjustments to the uninsured add-on payments for state fiscal year 2001 to ensure access to hospital services for indigent and Medicaid recipients at hospitals which have relied on disproportionate share payments in meeting those needs. The Division of Medical Services also finds an immediate danger to public health and welfare which requires emergency action. If this emergency amendment is not enacted it will cause significant cash flow shortages and financial strain on all hospitals who serve the more than 600,000 Medicaid recipients. This will, in turn, result in an adverse impact on the health and welfare of those in need of medical care and treatment. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. Therefore, the division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency amendment filed August 25, 2000, effective September 4, 2000, expires March 2, 2001.*

(3) Per-Diem Reimbursement Rate Computation. Each hospital shall receive a Medicaid per-diem rate based on the following computation.

(B) Trend Indices (TI). Trend indices are determined based on the four (4)-quarter average DRI Index for DRI-Type Hospital Market Basket as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal (SFY) 1995 to 1998. Trend indices starting in SFY 1999 will be determined based on CPI Hospital indexed as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY).

1. The TI are—
  - A. SFY 1994—4.6%
  - B. SFY 1995—4.45%
  - C. SFY 1996—4.575%
  - D. SFY 1997—4.05%
  - E. SFY 1998—3.1%
  - F. SFY 1999—3.8%
  - G. SFY 2000—4.0% [.] and
  - H. SFY 2001—4.6%.

2. The TI for SFY 1996 through SFY 1998 are applied as a full percentage to the OC of the per-diem rate and for SFY 1999 the OC of the June 30, 1998 rate shall be trended by 1.2% and for SFY 2000 the OC of the June 30, 1999 rate shall be trended by 2.4%. **The OC of the June 30, 1999 rate shall be trended by 1.95% for SFY 2001.**

3. **The per diem rate shall be reduced as necessary to avoid any negative Direct Medicaid Payments computed in accordance with subsection (15)(B).**

(6) Disproportionate Share.

(A) Inpatient hospital providers may qualify as a disproportionate share hospital (DSH) based on the following criteria. Hospitals shall qualify as disproportionate share hospitals for a period of only one (1) state fiscal year and must requalify at the beginning of each state fiscal year to continue their disproportionate share classification—

1. If the facility offered nonemergency obstetric services as of December 21, 1987, there must be a least two (2) obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to these services under the Missouri Medicaid plan. In the case of a hospital located in a rural area (area outside of a metropolitan statistical area, as defined by the federal Executive Office of Management and Budget), the term obstetrician includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures. This section does not apply to hospitals either with inpatients predominantly under eighteen (18) years of age or which did not offer nonemergency obstetric services as of December 21, 1987;

2. As determined from the *[third]* **fourth** prior year desk-reviewed cost report, the facility must have either—

A. A Medicaid inpatient utilization rate (MIUR) at least one (1) standard deviation above the state's mean MIUR for all Missouri hospitals. The MIUR will be expressed as the ratio of total Medicaid days (TMD) provided under a state plan divided by the provider's total number of inpatient days (TNID). The state's mean MIUR will be expressed as the ratio of the sum of the total number of the Medicaid days for all Missouri hospitals divided by the sum of the total patient days for the same Missouri hospitals. Data for hospitals no longer participating in the program will be excluded;

$$\text{MIUR} = \frac{\text{TMD}}{\text{TNID}}$$

or

B. A low-income utilization rate (LIUR) in excess of twenty-five percent (25%). The LIUR shall be the sum (expressed as a percentage) of the fractions, calculated as follows:

(I) Total Medicaid patient revenues (TMPR) paid to the hospital for patient services under a state plan plus the amount of the cash subsidies (CS) directly received from state and local governments, divided by the total net revenues (TNR) (charges, minus contractual allowances, discounts and the like) for patient services plus the CS; and

(II) The total amount of the hospital's charges for patient services attributable to charity care (CC) (care provided to individuals who have no source of payment, third-party or personal resources) less CS directly received from state and local governments in the same period, divided by the total amount of the hospital's charges (THC) for patient services. The total patient charges attributed to CC shall not include any contractual allowances and discounts other than for indigent patients not eligible for medical assistance under a state plan;

$$\text{LIUR} = \frac{\text{TMPR} + \text{CS}}{\text{TNR} + \text{CS}} + \frac{\text{CC} - \text{CS}}{\text{THC}}$$

3. As determined from the *[third]* **fourth** prior year desk-reviewed cost report, the hospital—

A. Has an unsponsored care ratio of at least ten percent (10%). The unsponsored care ratio is determined as the sum of bad debts and CC divided by TNR and also meets either of the criteria in paragraph (6)(A)2.; or

B. Ranks in the top fifteen (15) in the number of Medicaid inpatient days provided by that hospital compared to Medicaid patient days provided by all hospitals, and the hospitals also have a Medicaid nursery utilization ratio greater than thirty-five percent (35%) as computed by dividing Title XIX nursery and neonatal days by total nursery and neonatal days; or

C. Operated a neonatal intensive care unit with a ratio of Missouri Medicaid neonatal patient days to Missouri Medicaid total patient days in excess of nine percent (9%) reported or verified by the division from the *[third]* **fourth** prior year cost report;

4. As determined from the *[third]* **fourth** prior year desk-reviewed cost report—

**A. The acute care hospital has an unsponsored care ratio of at least sixty-five percent and is licensed for less than fifty inpatient beds; or**

**/A./B. The acute care hospital has an unsponsored care ratio of at least sixty-five percent (65%) and is licensed for fifty inpatient beds or more and has an occupancy rate of more than forty percent (40%); or**

**/B./C. The hospital is owned or operated by the Board of Curators as defined in Chapter 172, RSMo and the Missouri Rehabilitation Center created by Chapter 199, RSMo or their successors; or**

**/C./D. The hospital is a public hospital operated by the Department of Mental Health primarily for the care and treatment of mental disorders; and**

5. As determined from the *[third]* **fourth** prior year desk-reviewed cost report, hospitals which annually provide more than five thousand (5,000) Title XIX days of care and whose Title XIX nursery days represent more than fifty percent (50%) of the hospital's total nursery days.

(B) Those hospitals which meet the criteria established in paragraphs (6)(A)1., (6)(A)2. and (6)(A)4. shall be deemed *[first tier ten percent (10%) add-on DSH] safety net hospitals*. Those hospitals which meet the criteria established in (6)(A)1. and (6)(A)3. shall be deemed first tier **Disproportionate Share Hospitals (DSH)**. Those hospitals which meet only the criteria established in paragraphs (6)(A)1. and (6)(A)2. or (6)(A)1. and (6)(A)5. shall be deemed second tier DSH.

(15) Direct Medicaid Payments.

(B) Direct Medicaid payment will be computed as follows:

1. The Medicaid share of the FRA assessment will be calculated by dividing the hospital's Medicaid patient days by total hospital's patient days to arrive at the Medicaid utilization percentage. This percentage is then multiplied by the FRA assessment for the current SFY to arrive at the increased allowable Medicaid costs;

2. The unreimbursed Medicaid costs are determined by subtracting the hospital's per-diem rate from its trended per-diem costs. The difference is multiplied by the estimated Medicaid patient days for the current SFY.

A. The trended cost per day is calculated by trending the base year operating costs per day by the trend indices listed in paragraph (3)(B)1., using the rate calculation in subsection (3)(A).

**B. For hospitals that meet the requirements in paragraphs (6)(A)1., (6)(A)2. and (6)(A)4. of this rule (safety net hospitals), the base year cost report may be from the third prior year, the fourth prior year, or the fifth prior year, based on the determination of the Division of Medical Services exercising its sole discretion as to which report is most representative of costs incurred. For hospitals that meet the requirements in paragraphs (6)(A)1. and (6)(A)3. of this rule (first tier Disproportionate Share Hospitals), the base year operating costs shall be based on the third prior year cost report. For all other hospitals, the base year operating costs are based on the fourth prior year cost report. For any hospital that has both a twelve month cost report and a partial year cost report, its base period cost report for that year will be the twelve month cost report.**

**/B./C.** The trended cost per day does not include the costs associated with the FRA assessment, the application of minimum utilization, the utilization adjustment and the poison control costs computed in paragraphs (15)(B)1., 3., 4., and 5.;

3. The minimum utilization costs for capital and medical education is calculated by determining the difference in the hospital's cost per day when applying the minimum utilization as identified in paragraph (5)(C)4., and without applying the minimum utilization. The difference in the cost per day is multiplied by the estimated Medicaid patient days for the SFY;

4. The utilization adjustment cost is determined by estimating the number of Medicaid inpatient days the hospital will not provide as a result of the MC+ Health Plans limiting inpatient hospital services. These days are multiplied by the hospital's cost per day to determine the total cost associated with these days. This cost is divided by the remaining total patient days from its base period cost report to arrive at the increased cost per day. This increased cost per day is multiplied by the estimated Medicaid days for the current SFY to arrive at the Medicaid utilization adjustment; and

5. The poison control cost shall reimburse the hospital for the prorated Medicaid managed care cost. It will be calculated by multiplying the estimated Medicaid share of the poison control

costs by the percentage of MC+ recipients to total Medicaid recipients.

(16) **Safety Net Adjustment.** A safety net adjustment, **in lieu of the Direct Medicaid Payments and Uninsured Add-Ons**, shall be provided for each hospital which qualified as disproportionate share under the provision of paragraph (6)(A)4././ **The safety net adjustment payment shall be made prior to the end of each federal fiscal year.**

(A) The safety net adjustment **for facilities not operated by the Department of Mental Health primarily for the care and treatment of mental disorders** shall be computed in accordance with the *[OBRA 93 Limitation identified in section (17)] Direct Medicaid Payment calculation described in section (15) and the Uninsured Add-Ons calculation in subsection (18)(B)* of this regulation. **The safety net adjustment will include the last three quarters of the SFY ending June 30 and the first quarter of the next SFY beginning July 1 to correspond with the FFY of October 1 to September 30; and**

(B) *[Adjustments provided under this section shall be considered reasonable costs for purpose of the determinations described in paragraph (5)(D)2.]* The safety net adjustment for facilities operated by the Department of Mental Health primarily for the care and treatment of mental disorders shall be computed in accordance with the Direct Medicaid Payment calculation described in section (15) and one hundred percent (100%) of the Uninsured costs calculation described in subsection (18)(B) of this regulation. The safety net adjustment will include the last three quarters of the SFY ending June 30 and the first quarter of the next SFY beginning July 1 to correspond with the FFY of October 1 to September 30.

(C) The state share of the safety net adjustment for hospitals described in subparagraphs (6)(A)4.A. and (6)(A)4.D. shall come from cash subsidy (CS) certified by the hospitals. If the aggregate CS are less than the state match required, the total aggregate safety net adjustment will be adjusted downward accordingly, and distributed to the hospitals in the same proportions as the original safety net adjustments; and

(18) In accordance with state and federal laws regarding reimbursement of unreimbursed costs and the costs of services provided to uninsured patients, reimbursement for each State Fiscal Year (SFY) (July 1–June 30) shall be determined as follows:

(B) **Uninsured Add-Ons.** The hospital shall receive *[eighty-one percent (81%)] seventy-six percent (76%)* of the Uninsured costs prorated over the SFY. Hospitals which contribute through a plan approved by the director of health to support the state's poison control center and the Primary Care Resource Initiative for Missouri (PRIMO) shall receive *[eighty-two percent (82%)] seventy-seven percent (77%)* of its uninsured costs prorated over the SFY. The uninsured Add-On will include:

1. The Add-On payment for the cost of the Uninsured././ **will be based on a three year average of the fourth, fifth, and sixth prior base year cost reports. For any hospital that has both a twelve month cost report and a partial year cost report, its base period cost report for that year will be the twelve month cost report. Cost of the uninsured [This]** is determined by multiplying the charges for charity care and allowable bad debts by the hospital's total cost-to-charge ratio for allowable hospital services from the base year cost report's desk review. The cost of the Uninsured is then trended to the current year using the trend indices reported in subsection (3)(B). Allowable bad debts do not include the costs of caring for patients whose insurance covers the particular service, procedure or treatment;

2. An adjustment to recognize the Uninsured patients share of the FRA assessment not included in the desk-reviewed cost. The FRA assessment for Uninsured patients is determined by multi-

plying the current FRA assessment by the ratio of uninsured days to total inpatient days from the base year cost report;

3. The difference in the projected General Relief per-diem payments and trended costs for General Relief patient days;

4. The increased costs per day resulting from the utilization adjustment in subsection (15)(B) is multiplied by the estimated uninsured days; and

5. In order to maintain compliance with the Balanced Budget Act of 1997 (BBA) DSH cap and the budget neutrality provisions contained in Missouri's Medicaid Section 1115 Health Care Reform Demonstration Proposal, the Uninsured Add-On for SFY *[2000]* **2001** has been established at *[eighty-two percent (82%)] seventy-six percent (76%)* of the cost of the uninsured as computed in accordance with this subsection. *[One factor in determination of the payment percentage is an estimate that fifty-four (\$54) million dollars shall be paid from July 1, 1999 thru April 30, 2000 related to previously uninsured parents covered under the Medicaid Section 1115 Health Care Reform Demonstration Proposal. The SFY 2000 payment percentage shall be increased by an additional one percent (1%) for every three point five (\$3.5) million dollars increment not paid for parents covered under the Medicaid Section 1115 Health Care Reform Demonstration Proposal as of April 30, 2000. For example, if total spending on the Medicaid Section 1115 Health Care Reform Demonstration Proposal parent population is forty-seven (\$47) million dollars, as of April 30, 2000, the Uninsured Add-On percentage from SFY 2000 shall be increased by two percent (2%).]*

*AUTHORITY: sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May, 1, 2000, effective May 11, 2000, terminated Sept. 4, 2000. Amended: Filed May 1, 2000. Emergency amendment filed Aug. 25, 2000, effective Sept. 4, 2000, expires March 2, 2001.*

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 13—Boll Weevil Eradication

### PROPOSED AMENDMENT

**2 CSR 70-13.030 Program Participation, Fee Payment and Penalties.** The department is amending sections (1)–(4).

**PURPOSE:** *This amendment changes the schedule of fee payment, certification and adds a requirement of filing intended acres.*

(1) Upon passage of the grower referendum conducted under the provisions of section 263.527, RSMo Supp. 1998, all cotton growers in the affected regions as set out in 2 CSR 70-13.015, as

defined by the Certified Cotton Growers Organization, shall be required to participate in the boll weevil eradication program as follows:

(A) Upon implementation of a boll weevil eradication program, all growers **in an eradication area** shall file a cotton acreage reporting form with their local United States Department of Agriculture, Farm Service Agency (FSA) office by *[August/ May 15, **showing actual certified cotton acreage. At this time, a fee not to exceed fifteen dollars (\$15) per acre, shall be assessed and paid based on certified acreage**]* **indicating intended acreage to be planted during the current growing season. All growers shall also certify their actual cotton acreage with their local FSA office in accordance with the FSA final certification date;**

(C) All fees paid by growers shall be *[submitted to the local FSA office and]* made payable to the Missouri Department of Agriculture **and shall be postmarked and submitted to the Missouri Department of Agriculture by October 15 during each year of operation.**

(2) *[Growers underreporting by more than ten percent (10%) of the actual planted acreage, as determined by FSA certified or measured acreage,]* **Any grower in the eradication area whose FSA certified acreage or measured acreage exceeds the intended acreage by more than ten percent (10%),** will be assessed a penalty of five dollars (\$5) per acre on that acreage, in addition to the annual assessment fee. Growers underreporting **intended** acreage by more than ten percent (10%) due to emergency or hardship, may apply for a waiver. Any grower applying for a waiver shall make application in writing, to the director stating the conditions under which they request the waiver. The decision of whether or not to waive all or part of these requirements shall be made by the director and notification given to the grower within two (2) weeks after receipt of such application. The director shall base the decision upon the following:

(3) Failure to pay all assessments due on or before *[August/ October 15* deadline of the current growing season will result in a penalty fee of five dollars (\$5) per acre. A grower who fails to pay all assessments, including penalties, within thirty (30) days of notice is subject to all provisions of section 263.534, RSMo Supp. 1998.

(4) A grower may apply for a waiver requesting delayed payment under conditions of financial hardship or bankruptcy. Any grower applying for a waiver shall make application in writing to the director on a form prescribed by the director. This request must be accompanied by a financial statement from a bank or lending agency supporting such request. No waiver for financial hardship shall be granted to any cotton grower whose taxable net income for the previous year exceeds fifteen thousand dollars (\$15,000). All growers granted waiver requests for financial hardship or bankruptcy will be charged interest payable at a rate equal to one percent (1%) above prime per annum. The decision whether or not to waive all or part of these requirements shall be made by the director with the approval of the Board of Directors of the Certified Cotton Growers Organization and notification given to the grower by the director within two (2) weeks after receipt of such application. Failure to pay all fees or file a completed waiver request for delayed payment on or before *[August/ October 15* of the current growing season will result in a penalty fee of five dollars (\$5) per acre.

**AUTHORITY:** *sections 263.505, 263.517[,] and 263.527, RSMo [Supp. 1998] Supp. 1999. Original rule filed June 29, 1999, effective Dec. 30, 1999. Amended: Filed Aug. 16, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities an estimated \$6,007,920. See attached fiscal note.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file statement in support of or opposition to this proposed amendment with the Missouri Department of Agriculture, Plant Industries Division, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## FISCAL NOTE PRIVATE ENTITY COST

I. 2 CSR 70-13.030

Title 2: Department of Agriculture

Division 70: Plant Industries

Chapter 13: Boll Weevil Eradication

Type of Rulemaking: Proposed Rule

Rule Number and Name: 2 CSR 70-13.030, Program Participation, Fee Payment and Penalties

### II. SUMMARY OF FISCAL IMPACT

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: |
|---|---|--|
| 853 (387,608)   | Farms (Acres)   | approximately \$5,814,120.00   |
| 83 (38,760) number paying penalties   | Farms (Acres)   | approximately \$193,800.00   |
|   | Total   | \$6,007,920.00   |

### III. WORKSHEET

| County         | Number of Farms with Cotton | Number of Acres of Cotton | Cost \$15/Acre |
|----------------|-----------------------------|---------------------------|----------------|
| Bollinger      | 0                           | 0                         | \$0            |
| Butler         | 7                           | 828                       | \$12,420       |
| Cape Girardeau | 0                           | 0                         | \$0            |
| Dunklin        | 298                         | 162,794                   | \$2,441,910    |
| Mississippi    | 8                           | 2,757                     | \$41,355       |
| New Madrid     | 243                         | 94,410                    | \$1,416,150    |
| Pemiscot       | 167                         | 77,092                    | \$1,156,380    |
| Ripley         | 0                           | 0                         | \$0            |
| Scott          | 37                          | 11,898                    | \$178,470      |
| Stoddard       | 93                          | 37,829                    | \$324,240      |
| TOTAL          | 853                         | 387,608                   | \$5,814,120    |

### IV. ASSUMPTIONS:

The data presented is from the 1997 National Census of Agriculture, National Agricultural Statistic Service. General trends, as forecasted by the Missouri Agricultural Statistic Service (MASS), reflects a decline in the number of farms. Cotton acreage is also variable from year to year. Penalty estimate based upon ten percent of the reported acres with a five dollar per acre charge.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED RESCISSION**

**4 CSR 10-2.085 Limited Liability Companies.** This rule clarified the statutes pertaining to certified public accountants and public accountants practicing public accounting as a member of a limited liability company.

*PURPOSE:* This rule is being rescinded and replaced by a new rule that clearly clarifies the statutes pertaining to ownership of limited liability companies and professional corporations.

*AUTHORITY:* section 326.110, RSMo Supp. 1995. Original rule filed Oct. 13, 1993, effective May 9, 1994. Amended: Filed Sept. 4, 1996, effective March 30, 1997. Rescinded: Filed Aug. 31, 2000.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, P.O. Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED RESCISSION**

**4 CSR 10-2.090 Professional Corporations.** This rule clarified the statutes pertaining to certified public accountants and public accountants performing in professional corporations.

*PURPOSE:* This rule is being rescinded and replaced by a new rule that clearly clarifies the statutes pertaining to ownership of limited liability companies and professional corporations.

*AUTHORITY:* section 326.110, RSMo Supp. 1995. Original rule filed Sept. 11, 1974, effective Sept. 21, 1974. Amended: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Nov. 10, 1981, effective April 11, 1982. Amended: Filed March 2, 1988, effective July 28, 1988. Amended: Filed March 2, 1988, effective July 28, 1988. Amended: Filed Sept. 30, 1988, effective Feb. 11, 1989. Amended: Filed Sept. 4, 1996, effective March 30, 1997. Rescinded: Filed Aug. 31, 2000.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Accountancy, Ken L. Bishop, Executive

Director, P.O. Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED RULE**

**4 CSR 10-2.095 Ownership of CPA Firms**

*PURPOSE:* This rule clarifies the statutes pertaining to ownership of firms of certified public accountants and public accountants.

**(1) Limited Liability Companies (L.L.C.).**

(A) Ownership. Only the following may have a member's interest in a L.L.C.:

1. Natural persons who hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any state, country or province of another country if the other state or country or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all of the partners hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

3. Professional corporations holding a permit to practice public accounting issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. All shareholders of either a domestic or foreign professional corporation shall own their shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his/her lifetime and that all trustees of the trust, if there are multiple trustees, hold a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia.

(B) Transfer of Member's Interest. Provisions shall be made in the Articles of Organization or in Restated Articles of Organization and in any merger or consolidation document, which shall require that a member who, for whatever reasons, ceases to be eligible to be a member to dispose of all of his/her membership interest within a reasonable period of time to a person qualified to be a member or to the L.L.C.

**(2) Professional Corporations.**

(A) Ownership. A professional corporation may issue shares only to the following:

1. Natural persons who hold a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any other country or state or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all of the partners hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

3. Professional corporations holding a permit to practice issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. Shareholders at all times shall own their own shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his/her lifetime and that all trustees of the trust, if there are multiple trustees, hold a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia.

(B) Transfer of Shares. Provisions shall be made requiring any shareholder who ceases to be eligible to be a shareholder to dispose of all of his/her shares within a reasonable period to a person qualified to be a shareholder or to the corporation or association.

(3) Partnerships, Sole-Proprietorships, and Other Business Entities.

(A) Ownership. A partnership, sole-proprietorship or other lawful business entity, as the case may be, may issue ownership interest only to the following:

1. Natural persons who hold a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any other country or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all the partners hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

3. Professional corporations holding a permit to practice issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. Shareholders at all times shall own their own shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting. All

members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his/her lifetime and that all trustees of the trust, if there are multiple trustees, hold a certificate as a C.P.A. and permit to practice accounting issued by this state, another state or territory of the United States or the District of Columbia.

(B) Transfer of Interest. Provisions shall be made requiring any interest holder who ceases to be eligible to be an interest holder to dispose of all of his/her interest within a reasonable period to a person qualified to be an interest holder of the firm.

*AUTHORITY: sections 326.021, 326.040 and 326.050, RSMo 1994 and 326.110, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, P.O. Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 15—Acupuncturist Advisory Committee**

#### **Chapter 1—General Rules**

#### **PROPOSED RULE**

#### **4 CSR 15-1.010 Definitions**

*PURPOSE: This rule defines terms used in 4 CSR 15.*

(1) "ACAOM" means the Accreditation Commission for Acupuncture and Oriental Medicine.

(2) "ADT" means auricular detox technician.

(3) "Applicant" is defined as an individual submitting an application in the licensure process.

(4) "Board" means the Missouri State Board of Chiropractic Examiners.

(5) "Committee" means the Missouri Acupuncturist Advisory Committee.

(6) "CNT" or "Clean Needle Technique" is defined as the use of sterile needles for acupuncture treatment following national acupuncture professional guidelines as described in the current edition of the "Clean Needle Technique Manual."

(7) "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.



(8) "Patient" is defined as any individual for whom the practice of acupuncture, as defined in section 324.475(1), RSMo Supp. 1999, is provided.

(9) "Sexual activity" is defined as any direct or indirect physical contact, or verbal communication, by any person or between persons which is intended to erotically stimulate either person, or which is likely to cause such stimulation and includes sexual intercourse, fellatio, cunnilingus, masturbation or anal intercourse. As used herein, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. Sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm or ejaculation has occurred.

(10) "TSE" is defined as Test of Spoken English.

(11) "TOEFL" is defined as Test of English as a Foreign Language.

(12) "TOEIC" is defined as Test of English for International Communication.

(13) "Universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other blood borne pathogens.

*AUTHORITY: sections 324.475, 324.481 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 15-1.020 Titling**

*PURPOSE: This rule specifies the title that may be used by an individual licensed by the board as an acupuncturist.*

(1) Any person who represents himself/herself as an acupuncturist in this state and is licensed by the board may use the abbreviations "Lic.Ac." or "L.Ac."

*AUTHORITY: section 324.481, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 15-1.030 Name and Address Changes**

*PURPOSE: This rule outlines procedures to be followed for name, address and telephone number changes.*

(1) All individuals licensed pursuant to this chapter shall ensure that the license bears the current legal name of that individual.

(2) A licensee whose name has changed shall, within thirty (30) days of such change:

(A) Notify the board in writing of the change and provide a copy of the appropriate document indicating the change;

(B) Request from the board a new license bearing the individual's new legal name; and

(C) Return the current license bearing the former name.

(3) A licensee may request a replacement wall-hanging certificate by paying the wall-hanging certificate replacement fee.

(4) A licensee whose address has changed from that printed on the license must inform the board, in writing, within thirty (30) days of the effective date of the change.

(5) Changes in telephone numbers should also be reported in the same manner as that described for changes in address.

*AUTHORITY: section 324.481, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will cost public entities an estimated \$1,418 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST: This proposed rule will cost private entities an estimated \$153.30 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 1 – General Rules**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-1.030 Name and Address Changes

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Acupuncturist Advisory Committee         | \$1,418                                       |

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and process request for name and address changes and supporting documentation;
- 2) Expense and equipment costs are incurred for board expenses incurred for issuing and mailing duplicate licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

| Category of Allocation | Licensure – 10%   | Enforcement – 1% |
|------------------------|-------------------|------------------|
| Personal Service       | \$331.00          | \$22.00          |
| Expense & Equipment    | \$220.00          | \$15.00          |
| Transfers              | \$778.00          | \$52.00          |
| <b>TOTAL</b>           | <b>\$1,329.00</b> | <b>\$89.00</b>   |

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual

costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2-- Allocation of Personal Service Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$5,514.00 | 60% - Licensure       | \$3,308.00    |
| \$5,514.00 | 40% - Enforcement     | \$2,206.00    |

**Table 3-- Allocation of Expense & Equipment Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$3,672.00 | 60% - Licensure       | \$2,203.00    |
| \$3,672.00 | 40% - Enforcement     | \$1,469.00    |

**Table 4-- Allocation of Transfer Dollars**

| Allotment   | Percentage & Category | Dollar Amount |
|-------------|-----------------------|---------------|
| \$12,968.00 | 60% - Licensure       | \$7,781.00    |
| \$12,968.00 | 40% - Enforcement     | \$5,187.00    |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 10% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 -- Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 2 -- Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-1.030 Name and Address Changes

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**II. SUMMARY OF FISCAL IMPACT**

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by types of the business entities which would likely be affected: | Estimated cost of compliance with the rule by the affected entities: |
|--|--|--|
| 10   | Individuals (notification of change)   | \$3.30   |
| 10   | Individuals (replacement wall hanging fee)                                       | \$150.00   |
| <b>Estimated Annual Cost of Compliance for the Life of the Rule</b>  |  | <b>\$153.30</b>  |

**III. WORKSHEET**

Postage @ \$.33

Replacement wall hanging fee @ \$15.00

**IV. ASSUMPTIONS**

1. The board anticipates that twenty percent (25%) of the board's licensees will request a replacement wall-hanging certificate annually for the life of the rule. The board estimates this application process will cost each applicant approximately \$15.33.
2. The private entity cost for this proposed rule is estimated to be \$153.30 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 15—Acupuncturist Advisory Committee  
Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 15-1.040 Fees**

*PURPOSE:* This rule establishes and fixes the various fees and charges for the Acupuncturist Advisory Committee.

(1) All fees shall be paid by cashier's check, personal check, money order, or other method approved by the division and must be made payable to the State Board of Chiropractic Examiners.

(2) No fee will be refunded should any license be surrendered, suspended or revoked during the term for which the license is issued.

(3) The fees are established as follows:

|   |         |
|---|---------|
| (A) Acupuncturist Application Fee           | \$1,400 |
| (B) Acupuncturist Renewal Fee               | \$1,400 |
| (C) Duplicate License Fee                   | \$ 5    |
| (D) Endorsement to Another Jurisdiction Fee | \$ 15   |
| (E) Fingerprinting Fee                      | \$ 23   |
| (F) Insufficient Funds Check Charge Fee     | \$ 25   |
| (G) Reciprocity Application Fee             | \$1,400 |
| (H) Wall-Hanging Fee Replacement            | \$ 15   |

(4) All fees are nonrefundable.

*AUTHORITY:* sections 324.481, 324.487, 324.490 and 324.493, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 15—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**PROPOSED RULE**

**4 CSR 15-2.010 Application for Licensure**

*PURPOSE:* This rule outlines the requirements for licensure as an acupuncturist.

(1) An applicant for licensure as an acupuncturist shall submit or cause to be submitted:

(A) A completed application and the accompanying application fee, which shall contain:

1. The licensee's business and residential address;

2. Details regarding being found guilty, plea of guilty, receipt of a suspended imposition of sentence or the entering of a plea of

*nolo contendere* for any violation of any laws of a state or the United States, other than a traffic violation;

3. Details regarding any addiction to or repetitive abuse of any drug or chemical substance including alcohol within the past five (5) years;

4. Information regarding being currently treated or within the past five (5) years having been treated through a drug or alcohol rehabilitation program;

5. Details regarding being a party in a civil suit other than divorce, custody matters, or bankruptcy;

6. Details regarding any restriction or discipline for unethical behavior or unprofessional conduct; and

7. Details regarding a professional license, certification, registration, permit or an application in any state, United States territory, province or country being denied, reprimanded, suspended, restricted, revoked or otherwise disciplined, curtailed or voluntarily surrendered under threat of investigation or disciplinary action;

(B) Two (2) sets of fingerprints and the fingerprinting fee;

(C) Evidence that the applicant is at least twenty-one (21) years of age as demonstrated by one of the following:

1. Driver's license or identification (ID) card issued by a state or outlying possession of the United States provided it contains a photograph and date of birth;

2. ID card issued by federal, state, or local government agencies or entities provided it contains a photograph and date of birth;

3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;

4. U.S. citizen ID card as long as it contains the date of birth; or

5. ID card for use of resident citizen in the United States as long as it contains the date of birth;

(D) Evidence that s/he is actively certified as a diplomate in acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM). Such evidence shall be sent to the committee office directly from the NCCAOM;

(E) Evidence that s/he is able to communicate in English as demonstrated by one of the following:

1. Passage of the NCCAOM examination taken in English;

2. Passage of the Test of English as a Foreign Language (TOEFL) with a score of five hundred fifty (550) or higher;

3. Passage of the Test of Spoken English (TSE) with a score of forty-five (45) or higher;

4. Passage of the Test of English for International Communication (TOEIC) with a score of five hundred (500) or higher; or

5. An interview conducted in English with the State Board of Chiropractic Examiners, the Acupuncturist Advisory Committee, or the executive director of the board.

*AUTHORITY:* sections 324.481, 324.487 and 324.493, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.

*PUBLIC COST:* This proposed rule will cost public entities an estimated \$4,341 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*PRIVATE COST:* This proposed rule will cost private entities an estimated \$57,733.20 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% in licensees. Therefore, the board estimates that the private entity cost to comply with this rule will be \$2,886.66 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is

*expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.010 Application for Licensure

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Acupuncturist Advisory Committee         | \$4,341.00                                    |

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing acupuncture licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

| Category of Allocation | Licensure – 30%   | Enforcement – 4% |
|------------------------|-------------------|------------------|
| Personal Service       | \$992.00          | \$88.00          |
| Expense & Equipment    | \$661.00          | \$59.00          |
| Transfers              | \$2,334.00        | \$207.00         |
| <b>TOTAL</b>           | <b>\$3,987.00</b> | <b>\$354.00</b>  |

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual

costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2— Allocation of Personal Service Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$5,514.00 | 60% - Licensure       | \$3,308.00    |
| \$5,514.00 | 40% - Enforcement     | \$2,206.00    |

**Table 3— Allocation of Expense & Equipment Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$3,672.00 | 60% - Licensure       | \$2,203.00    |
| \$3,672.00 | 40% - Enforcement     | \$1,469.00    |

**Table 4— Allocation of Transfer Dollars**

| Allotment   | Percentage & Category | Dollar Amount |
|-------------|-----------------------|---------------|
| \$12,968.00 | 60% - Licensure       | \$7,781.00    |
| \$12,968.00 | 40% - Enforcement     | \$5,187.00    |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 30% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 4% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.010 Application for Licensure

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**II. SUMMARY OF FISCAL IMPACT**

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by types of the business entities which would likely be affected: | Estimated cost of compliance with the rule by the affected entities: |
|--|--|--|
| 40   | Individuals (application fee)  | \$56,000.00  |
| 40   | Individuals (fingerprinting fees)  | \$920.00   |
| 40   | Individuals (photograph fees)  | \$300.00   |
| 40   | Individuals (notary)   | \$100.00   |
| 40   | Individuals (transcript)   | \$400.00   |
| 40   | Individuals (postage)  | \$13.20  |

**Estimated Cost of Compliance for  
the First Year of Implementation  
of the Rule** **\$57,733.20**

**Estimated Annual Cost of  
Compliance for the Life of the  
Rule** **\$2,886.66**

**III. WORKSHEET**

Application fee @ \$1,400.00  
Fingerprinting fee @ \$23.00  
Photograph fee @ \$7.50  
Notary @ \$2.50  
Transcript @ \$10.00  
Postage @ \$.33

**IV. ASSUMPTIONS**

1. The board anticipates forty (40) individuals will apply for licensure during the first year based on the number of individuals who have contacted the office and requested to be placed on the licensure application mailing list. The board estimates this application process will cost each applicant approximately \$1,443.33.
2. The private entity cost for this proposed rule is estimated to be \$57,733.20 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% in licensees. Therefore, the board estimates that the annual private entity cost to comply with this rule will be \$2,886.66 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 15—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**PROPOSED RULE**

**4 CSR 15-2.020 Reciprocity**

*PURPOSE: This rule outlines the requirement for licensure by reciprocity.*

(1) A person applying for licensure by reciprocity whose state, territory, or commonwealth or the District of Columbia has requirements which are at least equivalent to those of the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM) shall submit or cause to be submitted the following:

(A) A completed application and the accompanying application fee;

(B) A copy of a current acupuncturist license;

(C) A copy of the other state, territory or commonwealth or the District of Columbia's statutes and rules and regulations pertaining to acupuncture; and

(D) A letter of verification to be submitted directly to the board office from the state, territory or commonwealth or the District of Columbia's licensing agency, if applicable, which shall include:

1. Verification of the applicant's license;

2. License issuance date;

3. License expiration date; and

4. Information regarding any pending or prior investigations or disciplinary action.

(2) A person applying for licensure by reciprocity whose state, territory or commonwealth or the District of Columbia, has less stringent eligibility and examination requirements than those of the National Commission for the Certification of Acupuncture and Oriental Medicine, shall meet the requirements of section 324.487, RSMo and board rule 4 CSR 15-2.010.

*AUTHORITY: sections 324.481 and 324.487, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will cost public entities an estimated \$1,329 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST: This proposed rule will cost private entities an estimated \$2,886.66 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Division of Professional Registration  
**FISCAL NOTE**  
**PUBLIC ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.020 Reciprocity

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Acupuncturist Advisory Committee         | \$1,329.00                                    |

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing acupuncture licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

| Category of Allocation | Licensure – 10%   | Enforcement – 0% |
|------------------------|-------------------|------------------|
| Personal Service       | \$331.00          | \$0              |
| Expense & Equipment    | \$220.00          | \$0              |
| Transfers              | \$778.00          | \$0              |
| <b>TOTAL</b>           | <b>\$1,329.00</b> | <b>\$0</b>       |

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual

costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2— Allocation of Personal Service Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$5,514.00 | 60% - Licensure       | \$3,308.00    |
| \$5,514.00 | 40% - Enforcement     | \$2,206.00    |

**Table 3— Allocation of Expense & Equipment Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$3,672.00 | 60% - Licensure       | \$2,203.00    |
| \$3,672.00 | 40% - Enforcement     | \$1,469.00    |

**Table 4— Allocation of Transfer Dollars**

| Allotment   | Percentage & Category | Dollar Amount |
|-------------|-----------------------|---------------|
| \$12,968.00 | 60% - Licensure       | \$7,781.00    |
| \$12,968.00 | 40% - Enforcement     | \$5,187.00    |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 10% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.020 Reciprocity

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**II. SUMMARY OF FISCAL IMPACT**

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by types of the business entities which would likely be affected: | Estimated cost of compliance with the rule by the affected entities: |
|--|--|--|
| 2  | Individuals (application fee)  | \$2,800.00   |
| 2  | Individuals (fingerprinting fees)  | \$46.00  |
| 2  | Individual (photograph fee)  | \$15.00  |
| 2  | Individual (notary)  | \$5.00   |
| 2  | Individual (verification)  | \$20.00  |
| 2  | Individual (postage)   | \$66   |
| <b>Estimated Annual Cost of Compliance for the Life of the Rule</b>  |  | <b>\$2,886.66</b>  |

**III. WORKSHEET**

Application fee @ \$1,400.00  
Fingerprinting fees @ \$23.00  
Photograph fee @ \$7.50  
Notary @ \$2.50  
Verification @ \$10.00  
Postage @ \$.33

**IV. ASSUMPTIONS**

1. The board anticipates two (2) individuals will annually apply for reciprocity. The board estimates this application process to cost each applicant approximately \$1,443.33.
2. The private entity cost for this proposed rule is estimated to be \$2,886.66 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**PROPOSED RULE**

**4 CSR 15-2.030 License Renewal**

*PURPOSE:* This rule outlines the requirements for the renewal of licensure.

(1) A license issued pursuant to section 324.487, RSMo shall be renewed on or before the expiration date of the license by submitting the fee and signed renewal form, which shall contain:

(A) The licensee's business and residential address;

(B) Verification that the licensee is actively certified as a diplomate in acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM);

(C) Details regarding being found guilty, plea of guilty, receipt of a suspended imposition of sentence or the entering of a plea of *nolo contendere* for any violation of any laws of a state or the United States, other than a traffic violation;

(D) Details regarding any addiction to or repetitive abuse of any drug or chemical substance including alcohol within the past five (5) years;

(E) Information regarding being currently treated or within the past five (5) years having been treated through a drug or alcohol rehabilitation program;

(F) Details regarding being a party in a civil suit other than divorce, custody matters, or bankruptcy;

(G) Details regarding any restriction or discipline for unethical behavior or unprofessional conduct; and

(H) Details regarding a professional license, certification, registration, permit or an application in any state, United States territory, province or country being denied, reprimanded, suspended, restricted, revoked or otherwise disciplined, curtailed or voluntarily surrendered under threat of investigation or disciplinary action.

(2) Each licensee who holds a license pursuant to sections 324.475 to 324.499, RSMo shall complete, during the two (2)-year license period prior to renewal, as a condition of the license renewal, the required number of annual continuing education credit hours as set by the National Certification Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM).

(3) Failure of a licensee to receive the notice and application to renew his/her license shall not excuse him/her from the requirements of section 324.487, RSMo to renew that license.

(4) Receipt of the application for renewal after the expiration date of the license shall cause the license to become lapsed and a licensee who continues to practice without a valid license shall be deemed to be practicing in violation of sections 324.475 to 324.499, RSMo and subject to the penalties contained therein.

(5) Violation of any provision of this rule shall be grounds for discipline in accordance with section 324.496, RSMo. In addition, a licensee who has failed to maintain active certification as a diplomate in acupuncture by the NCCAOM and engages in the active practice of acupuncture without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of acupuncture.

*AUTHORITY:* sections 324.481, 324.490 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.

*PUBLIC COST:* This proposed rule will cost public entities an estimated \$7,976 annually for the life of the rule. It is anticipated

*that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST:* This proposed rule will cost private entities an estimated \$63,853.86 during the second year of implementation of the rule. Thereafter the board anticipates an increase in the number of licensees by four per biennial renewal period. Therefore, the board estimates that the private entity cost will be \$63,853.86 biennially with a continuous biennial increase of \$3,040.66 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Division of Professional Registration  
**FISCAL NOTE**  
**PUBLIC ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.030 License Renewal

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Acupuncturist Advisory Committee         | \$7,976.00                                    |

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process renewal applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing a mailing renewal licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

| Category of Allocation | Licensure – 50%   | Enforcement – 15% |
|------------------------|-------------------|-------------------|
| Personal Service       | \$1,654.00        | \$331.00          |
| Expense & Equipment    | \$1,102.00        | \$220.00          |
| Transfers              | \$3,891.00        | \$778.00          |
| <b>TOTAL</b>           | <b>\$6,647.00</b> | <b>\$1,329.00</b> |

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2-- Allocation of Personal Service Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$5,514.00 | 60% - Licensure       | \$3,308.00    |
| \$5,514.00 | 40% - Enforcement     | \$2,206.00    |

**Table 3-- Allocation of Expense & Equipment Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$3,672.00 | 60% - Licensure       | \$2,203.00    |
| \$3,672.00 | 40% - Enforcement     | \$1,469.00    |

**Table 4-- Allocation of Transfer Dollars**

| Allotment   | Percentage & Category | Dollar Amount |
|-------------|-----------------------|---------------|
| \$12,968.00 | 60% - Licensure       | \$7,781.00    |
| \$12,968.00 | 40% - Enforcement     | \$5,187.00    |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 50% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 15% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.030 License Renewal

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**II. SUMMARY OF FISCAL IMPACT**

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by types of the business entities which would likely be affected: | Estimated cost of compliance with the rule by the affected entities: |
|--|--|--|
| 42   | Individuals (renewal fee)  | \$58,800.00  |
| 42   | Individuals (continuing education fee)   | \$5,040.00   |
| 42   | Individuals (postage)  | \$13.86  |

**Estimated Cost of Compliance for the Second Year of Implementation of the Rule** **\$63,853.86**

**Estimated Annual Cost of Compliance for the Life of the Rule** **\$63,853.86 biennially with a continuous biennial increase of \$3,040.66**

**III. WORKSHEET**

Renewal fee @ \$1,400.00  
Continuing education fee @ \$120 biennially per person  
Postage @ \$.33

**IV. ASSUMPTIONS**

1. The board anticipates forty-two (42) individuals will apply for renewal during the first biennial renewal period based on the assumptions detailed in 4 CSR 15-2.010 and 4 CSR 15-2.020. The board estimates this registration process will cost each applicant approximately \$1,520.33 each renewal period.
2. It is not possible to estimate all costs that a licensee could incur in obtaining the required continuing education.
3. The private entity cost for this proposed rule is estimated to be \$63,853.86 for the second year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by four (4) per biennial renewal period based on the assumptions detailed in 4 CSR 15-2.010 and 4 CSR 15-2.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$63,853.86 biennially with a continuous biennial increase of \$3,040.66 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

# **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

## **Division 15—Acupuncturist Advisory Committee Chapter 2—Acupuncturist Licensure Requirements**

### **PROPOSED RULE**

#### **4 CSR 15-2.040 Reinstatement**

*PURPOSE: This rule outlines the process for reinstating a license to practice as an acupuncturist.*

(1) Failure of a licensee to renew a license before the expiration of the license will cause the license to lapse. Within two (2) years of the expiration date, the licensee may submit payment of the renewal fee, and provide the board with a completed renewal form, in accordance with the statutes and board rule 4 CSR 15-2.030.

(2) A licensee who fails to restore a license for a period of more than two (2) years after the expiration of the license shall reapply for licensure under regulations in accordance with the statutes and board rule 4 CSR 15-2.010.

*AUTHORITY: sections 324.481, 324.490 and 324.493, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

# **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

## **Division 15—Acupuncturist Advisory Committee Chapter 3—Standards of Practice, Code of Ethics, Professional Conduct**

### **PROPOSED RULE**

#### **4 CSR 15-3.010 Standards of Practice**

*PURPOSE: This rule establishes standards of practice for licensed acupuncturists.*

(1) Patient Welfare.

(A) Licensed acupuncturists are strongly encouraged to maintain professional liability insurance coverage.

(B) Each acupuncturist shall:

1. Conduct their business and professional activities with honesty and integrity.

2. Obtain and document written patient assessment information, prior to performing initial acupuncture services, which shall include but not be limited to the following:

A. Purpose for visit;

B. Presence of pain and the location;

C. Allergies;

D. Currently under the care of any health or mental health care professional;

E. Current medication use and the purpose;

F. Surgical history;

G. Preexisting conditions;

H. Written consent for treatment and date signed; and

I. The acupuncturist's signature and date of services.

3. Inform patient as to anticipated course of treatment.

4. Update, at each session, the patient record which shall include:

A. Patient assessment information updated, if any changes or additions;

B. The date acupuncture services were performed;

C. Type of services performed;

D. Periodic updates of anticipated course of treatment; and

E. The acupuncturist's, acupuncturist trainee's and supervising acupuncturist's or detox technician's signature.

5. Maintain patient records for at least five (5) years.

6. Provide privacy for the patient while the patient is dressing and undressing.

7. Acupuncturists, auricular detox technicians and acupuncturist trainees shall follow the current Clean Needle Technique (CNT) standards in effect at the time the acupuncture service is performed, as published by the National Acupuncture Foundation.

8. Disposable sterile acupuncture needles and guide tubes are strongly recommended in all instances. However, the use of disposable needles should not slacken the practitioner's vigilance in adopting aseptic techniques in other aspects of clinical practice. All disposable needles should be discarded immediately after use and placed in a biohazard container.

9. Sterilization procedures for reusable needles should conform to those described below. The acupuncturist is responsible for ensuring that these standards are maintained.

A. Pressurized steam bath, such as an autoclave, at two hundred fifty degrees Fahrenheit (250°F), at fifteen (15) pounds pressure for thirty (30) minutes. The pressure must be released quickly at the end of the sterilization cycle.

B. Dry heat sterilization requires three hundred thirty-eight degrees Fahrenheit (338°F) for two (2) hours.

C. Glass bead devices, boiling water, alcohol and pressure cookers are not acceptable forms of sterilization.

10. High level disinfectants should be used on all equipment that does not penetrate the skin, come into direct contact with needles, or is made of rubber or plastic. Chemical disinfectants include, but are not limited to:

A. Chlorine-based agents, i.e., bleach;

B. Aqueous solution of two percent (2%) glutaraldehyde; and

C. Seventy percent (70%) ethyl or isopropyl alcohol.

11. Immediately after use, reusable needles and other contaminated equipment should be immersed in an effective chemical disinfectant, then soaked in water, with or without detergent and, after careful cleaning, thoroughly rinsed in water before being packaged for re-sterilization.

(2) Confidentiality of Patients.

(A) Each acupuncturist will safeguard verbal and written confidential information of the patient, unless disclosure is required by law, court order, or authorized by the patient.

(3) Representation of Service.

(A) Each acupuncturist shall:

1. Disclose to the patient the schedule of fees for services prior to treatment;

2. Include in any advertisement for acupuncture:

A. His/her name; and

B. When offering gratuitous services or discounts in connection with professional services, clearly and conspicuously state whether or not additional charges may be incurred by related services and the possible range of such additional charges; and

3. Have available at every location where s/he practices, proof of licensure and photo identification, which has been taken within the last two (2) years.

(B) No acupuncturist shall:

1. Misrepresent directly or by implication his/her professional qualifications such as type of licensure, education, experience, or areas of competence;
2. Falsify professional records;
3. Advertise acupuncture or instruction which contains a false, fraudulent, misleading or deceptive statement; or
4. Dress or behave in a provocative manner.

*AUTHORITY: sections 324.481 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will cost private entities an estimated \$21,000 for the first year of implementation of the rule. Thereafter, the private entity cost will be \$21,000 annually with a continuous annual increase of \$1,000 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 - Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 3 - Standards of Practice, Code of Ethics, Professional Conduct

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-3.010 Standards of Practice

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**II. SUMMARY OF FISCAL IMPACT**

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by types of the business entities which would likely be affected: | Estimated cost of compliance with the rule by the affected entities: |
|--|--|--|
| 42   | Individuals (liability insurance)  | \$21,000.00  |
| <b>Total Cost of Compliance for the First Year of Implementation of the Rule</b>                                 |  | <b>\$21,000.00</b>   |
| <b>Total Annual Cost of Compliance</b>   |  | <b>\$21,000.00 plus an annual continuous increase of \$1,000.00</b>  |

**III. WORKSHEET**

Liability insurance @ \$500.00

**IV. ASSUMPTIONS**

1. The board anticipates forty-two (42) individuals will be licensed by the board during the first two (2) years of implementation 4 CSR 15-2.010 and 4 CSR 15-2.020.
2. The board's estimate regarding the liability insurance is based on an average cost obtained from several insurance companies.
4. The private entity cost for this proposed rule is estimated to be \$21,000.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by two (2) annually based on the assumptions detailed in 4 CSR 15-2.010 and 4 CSR 15-2.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$21,000.00 annually with a continuous annual increase of \$1,000.00 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 15—Acupuncturist Advisory Committee  
Chapter 3—Standards of Practice, Code of Ethics,  
Professional Conduct**

**PROPOSED RULE**

**4 CSR 15-3.020 Code of Ethics**

*PURPOSE: This rule establishes the code of ethics for applicants, acupuncturists, auricular detox technicians and acupuncturist trainees.*

(1) All applicants, licensees, auricular detox technicians and acupuncturist trainees shall—

(A) Demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession and its professionals;

(B) Respect and protect the legal and personal rights of the patient/client, including the right to informed consent and refusal of treatment;

(C) Provide care without discrimination on any basis with respect for the rights and dignity of all individuals;

(D) Refuse to participate in illegal or unethical acts, or conceal illegal, unethical or incompetent acts of others;

(E) Follow sound scientific procedures and ethical principles in research;

(F) Comply with all state and federal laws and regulations;

(G) Avoid any form of conduct that creates a conflict of interest and follow the principles of professional ethical business behaviors. For purposes of this rule, "conflict of interest" shall be deemed to include any relationship or business arrangement which jeopardizes a licensee's objectivity or professional or ethical standards; and

(H) Within the limits of the law, an acupuncturist, acupuncturist trainee or auricular detox technician shall report to the board all knowledge of suspected violations of the laws and rules governing the practice of acupuncture as defined in section 324.475, RSMo and any other applicable state or federal laws and rules.

(2) Competence.

(A) Each acupuncturist shall:

1. Practice within his/her own scope of education and practice as defined in section 324.475, RSMo; and

2. Maintain in the records a copy of the current acupuncturist license and any advanced training by documentation.

(B) No acupuncturist shall delegate professional responsibilities to a person who is not qualified or licensed to perform them.

(3) Dual Relationships.

(A) No acupuncturist shall:

1. Encourage unnecessary or unjustified treatment.

2. Engage in any verbally or physically abusive behavior with a patient, detox technician or trainee, or any other person;

3. Engage in sexual activity with his/her patient, trainee(s) or detox technician during an ongoing professional relationship with such person or within six (6) months after termination of such professional relationship;

4. Exercise influence within an acupuncturist-patient, trainee or detox technician relationship for purposes of engaging a patient in sexual activity;

5. Take unfair advantage of the patient, detox technician or trainee for financial gain; or

6. Accept any gifts or benefits which are intended to influence a referral, decision or treatment that are primarily for personal gain and not for the good of the patient.

(4) Resolving Ethical Issues.

(A) Each acupuncturist:

1. Has an obligation to be familiar with the standards of practice;

2. Has a responsibility to notify the board of any violation of the standards of practice of which the acupuncturist has information and belief; and

3. Shall cooperate with any investigation or proceeding.

(5) Failure of an applicant to adhere to the code of ethics constitutes unprofessional conduct and may be grounds for denial of the license.

(6) Failure of an acupuncturist, acupuncturist trainee or auricular detox technician to adhere to the code of ethics constitutes grounds for discipline of the licensee.

*AUTHORITY: sections 324.481 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 15—Acupuncturist Advisory Committee  
Chapter 3—Standards of Practice, Code of Ethics,  
Professional Conduct**

**PROPOSED RULE**

**4 CSR 15-3.030 Professional Conduct**

*PURPOSE: This rule defines what is considered unprofessional conduct for applicants, acupuncturists, acupuncturist trainees, or auricular detox technicians.*

(1) All applicants, acupuncturists, acupuncturist trainees, or auricular detox technicians shall not—

(A) Commit any act, which endangers patient health, safety or welfare;

(B) Perform acupuncture services that are unjustified or contraindicated;

(C) Verbally, physically, or sexually abuse any patient;

(D) Destroy without authorization or falsify patient records;

(E) Provide or attempt to provide diagnostic or treatment information to the patient that is beyond the licensee's, auricular detox technician's or acupuncturist trainee's level of training and expertise;

(F) Engage in sexual intimacies with a patient which includes any genital contact of the licensee, auricular detox technician or acupuncturist trainee with the patient or the patient with the licensee, auricular detox technician or acupuncturist trainee. This specifically prohibits sexual intercourse, sodomy, oral copulation, anal copulation, or any penetration of the anal or vaginal opening by any thing;

(G) Kiss the patient with the mouth, lips or tongue or the patient kissing the licensee, auricular detox technician or acupuncturist trainee with the mouth, lips or tongue;

(H) Touch or caress in an exploitative manner by either the licensee, auricular detox technician, acupuncturist trainee or the patient of the other person's breasts, genitals or buttocks;

(I) Engage in any deliberate or repeated comments, gestures or physical conduct of a sexual nature that exploits the professional relationship with the patient;

(J) Expose one's self or encourage another to expose themselves for the purpose of sexual gratification;

(K) Engage in sexual harassment of the patient or co-workers. Sexual harassment shall include but is not limited to:

1. Making unwelcome sexual advances;
2. Requesting sexual favors; and/or
3. Verbal or physical conduct of a sexual nature;

(L) Fail to follow policies or procedures implemented in the practice situation to safeguard patient care;

(M) Fail to exercise appropriate supervision over persons authorized to practice only under the supervision of a licensed professional;

(N) Exploit a supervisee in any way—sexually or financially;

(O) Delegate professional responsibilities to a person not qualified or not appropriately licensed or certified to provide those services, or both;

(P) Misrepresent credentials, training or level of education or allow others to misrepresent credentials, training or level of education;

(Q) Use a controlled substance or alcoholic beverage to an extent that impairs one's ability to provide safe acupuncture services; and

(R) Continue to practice acupuncture with a medical condition, which may impair or limit the ability of the licensee to perform the duties of an acupuncturist with reasonable skill and safety.

*AUTHORITY: sections 324.481 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 15—Acupuncturist Advisory Committee Chapter 4—Supervision of Auricular Detox Technicians and Acupuncturist Trainees**

#### **PROPOSED RULE**

##### **4 CSR 15-4.010 Supervision of Auricular Detox Technicians**

*PURPOSE: This rule outlines the requirements for supervision of auricular detox technicians.*

(1) An auricular detox technician may insert and remove acupuncture needles in the auricle of the ear only. The points an auricular detox technician may insert needles are limited specifically to the points known as Shen Men, Lung, Liver, Kidney, and Sympathetic as described and located by the National Acupuncture Detox Association (NADA) or other national entity approved by the committee.

(2) A licensed acupuncturist must provide supervision of an auricular detox technician.

(3) An acupuncturist may delegate to an auricular detox technician only specific tasks which are neither evaluative, assessive, task selective nor recommending in nature, and only after ensuring that the auricular detox technician has been appropriately trained for the performance of the task.

(4) The licensed acupuncturist must exercise their professional judgement when determining the number of auricular detox technicians they can safely and effectively supervise to ensure that quality care is provided at all times.

(5) Any duties assigned to an auricular detox technician must be determined and appropriately supervised by a licensed acupuncturist and must not exceed the level of training, knowledge, skill, and competence of the individual being supervised. The licensed acupuncturist is responsible for the acts or actions performed by any auricular detox technician functioning in the acupuncture setting.

(6) Duties or functions which auricular detox technicians may not perform include, but are not limited to:

(A) Interpretation of referrals or prescriptions for acupuncture services;

(B) Evaluative procedures;

(C) Development, planning, adjusting or modification of treatment procedures;

(D) Acting on behalf of the acupuncturist in any matter related to direct patient care which requires judgement or decision making; and

(E) Any act performed independently or without supervision of a licensed acupuncturist.

(7) An auricular detox technician may assist in the delivery of acupuncture services, however, the auricular detox technician may not provide independent patient treatment without the supervision of a licensed acupuncturist or use a title or description implying that the auricular detox technician is a provider of acupuncture services.

*AUTHORITY: sections 324.475, 324.481 and 324.484, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 4—Supervision of Auricular Detox  
Technicians and Acupuncturist Trainees**

**PROPOSED RULE**

**4 CSR 15-4.020 Supervision of Acupuncturist Trainees**

*PURPOSE:* This rule outlines the requirements for supervision of acupuncturist trainees.

- (1) An acupuncturist trainee may practice acupuncture on members of the public while under the direct supervision of a licensed acupuncturist.
- (2) In order to qualify as an acupuncturist trainee, the individual shall be enrolled in a course of study authorized by the committee and approved by the board.
- (3) Acupuncture programs certified by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) are considered authorized by the committee and approved by the board. All other programs must be submitted to the committee for authorization and approval by the board.
- (4) An acupuncturist trainee shall practice only under the supervision of a licensed acupuncturist.
- (5) Any duties assigned to an acupuncturist trainee must be supervised by a licensed acupuncturist and must not exceed the level of training, knowledge, skill, and competence of the individual being supervised. The licensed acupuncturist is responsible for the acts or actions performed by any acupuncturist trainee functioning in the acupuncture setting.
- (6) Trainees shall not receive compensation for any acupuncture services.

*AUTHORITY:* sections 324.481 and 324.487, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 5—Complaints and Investigations**

**PROPOSED RULE**

**4 CSR 15-5.010 Public Complaint Handling and Disposition Procedure**

*PURPOSE:* This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The Division of Professional Registration/Acupuncturist Advisory Committee will receive and process each complaint made against any licensee, applicant or unlicensed individual or entity, in which the complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 324.475 to 324.499, RSMo. Any member of the public or the profession, or any federal, state or local official, may make and file a complaint with the Acupuncturist Advisory Committee. Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri. No member of the Acupuncturist Advisory Committee may file a complaint with the board while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: The Division of Professional Registration or the Acupuncturist Advisory Committee, P.O. Box 672, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Oral or telephone communications will not be considered or processed as complaints. The person making these communications will be asked to file a written statement.

(4) The division will maintain each complaint received under this rule. The complaint file will contain a record of each complainant's name and address; subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; and the ultimate disposition of the complaint. This complaint file shall be a closed record of the division.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission (AHC) charging a licensee with any actionable conduct or violation. The complaint filed by the board need not be limited to the acts charged in a public complaint.

(7) The division/board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division/board. This rule does not create any cause of action for licensees against whom the division/board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.475 through 324.499, RSMo.

*AUTHORITY:* sections 324.481, 324.496, 324.499, 620.010.14(7) and 620.010.15(6), RSMo Supp. 1999. Original rule filed Aug. 31, 2000.

*PUBLIC COST:* The public entity cost for this proposed amendment is estimated at \$4,431 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*PRIVATE COST:* This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.



**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 5 – Complaints and Investigations

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-5.010 Public Complaint Handling and Disposition Procedure

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Acupuncturist Advisory Committee         | \$4,431.00                                    |

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

| Category of Allocation | Licensure – 0% | Enforcement – 50% |
|------------------------|----------------|-------------------|
| Personal Service       | \$0            | \$1,103.00        |
| Expense & Equipment    | \$0            | \$734.00          |
| Transfers              | \$0            | \$2,594.00        |
| <b>TOTAL</b>           | <b>\$0</b>     | <b>\$4,431.00</b> |

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and

equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2— Allocation of Personal Service Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$5,514.00 | 60% - Licensure       | \$3,308.00    |
| \$5,514.00 | 40% - Enforcement     | \$2,206.00    |

**Table 3— Allocation of Expense & Equipment Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
| \$3,672.00 | 60% - Licensure       | \$2,203.00    |
| \$3,672.00 | 40% - Enforcement     | \$1,469.00    |

**Table 4— Allocation of Transfer Dollars**

| Allotment   | Percentage & Category | Dollar Amount |
|-------------|-----------------------|---------------|
| \$12,968.00 | 60% - Licensure       | \$7,781.00    |
| \$12,968.00 | 40% - Enforcement     | \$5,187.00    |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 50% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 5—Complaints and Investigations**

**PROPOSED RULE**

**4 CSR 15-5.020 Investigation**

*PURPOSE: This rule outlines the procedures for conducting an investigation.*

(1) Upon receipt of a complaint in proper form, the division/board may investigate the actions of the licensee, applicant or registrant against whom the complaint is made. In conducting an investigation, the division/board, in its discretion, may request the licensee, applicant or registrant under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before it.

*AUTHORITY: sections 324.481, 324.496, 324.499 and 620.010.15(6), RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: The public entity cost for this proposed rule is estimated at \$2,659 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 5 – Complaints and Investigations**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-5.020 Investigation

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Acupuncturist Advisory Committee         | \$2,659.00                                    |

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints and investigative reports, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

| Category of Allocation | Licensure – 0% | Enforcement – 30% |
|------------------------|----------------|-------------------|
| Personal Service       | \$0            | \$662.00          |
| Expense & Equipment    | \$0            | \$441.00          |
| Transfers              | \$0            | \$1,556.00        |
| <b>TOTAL</b>           | <b>\$0</b>     | <b>\$2,659.00</b> |

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual

costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2— Allocation of Personal Service Dollars**

| Allotment  | Percentage & Category | Dollar Amount |
|------------|-----------------------|---------------|
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| Allotment  | Percentage & Category | Dollar Amount |
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**Table 4— Allocation of Transfer Dollars**

| Allotment   | Percentage & Category | Dollar Amount |
|-------------|-----------------------|---------------|
| \$12,968.00 | 60% - Licensure       | \$7,781.00    |
| \$12,968.00 | 40% - Enforcement     | \$5,187.00    |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 30% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT****Division 120—State Board of Embalmers and Funeral  
Directors****Chapter 2—General Rules****PROPOSED AMENDMENT**

**4 CSR 120-2.100 Fees.** The board is proposing to amend subsections (1)(B), (1)(G), and (1)(I) and delete subsections (1)(S) and (1)(T) and reletter the remaining subsections.

*PURPOSE: Subsections (1)(B) and (1)(G) are being amended due to an increase in the International Funeral Service Examining Board examination fees. Subsection (1)(I) is being amended to clean up the language. Subsections (1)(S) and (1)(T) are being deleted pursuant to section 610.026, which states fees for copying records shall not exceed the actual cost of document search and duplication.*

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

|  |                                     |
|--|-------------------------------------|
| (B) Embalmer State Board   |                                     |
| Examination Fee (per section)  | <del>/\$80.00/</del> <b>\$95.00</b> |
| (G) Missouri Law Examination Fee   | <del>/\$50.00/</del> <b>\$70.00</b> |
| (I) Funeral Director Practical Examination Fee                                       |                                     |
| <del>/(prior to September 1, 2000)</del>   | <del>\$50.00</del>                  |
| <del>(September 1, 2000 and after)</del>   | <del>\$80.00;/</del> <b>\$95.00</b> |
| <del>/(S) Photocopy Fee (per page)</del>   | <del>\$0.25</del>                   |
| <del>(T) Research Fee (per hour, requiring more than two (2) hours staff time)</del> | <del>\$ 10.00/</del>                |
| <del>/(U)] (S) Collection Fee for Bad Checks</del>                                   | <del>\$25.00</del>                  |
| <del>/(V)] (T) Law Book Requests</del>   | <del>\$5.00*</del>                  |
| <del>/(W)] (U) Examination Review Fee</del>  | <del>\$25.00.</del>                 |

\*This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure and to educational institutions of mortuary science. Furthermore, this fee will not be charged to licensees or any other individual, for additions or corrections to the law book after the initial copy is mailed.

*AUTHORITY: section 333.III.1, RSMo Supp. 1999. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 18, 2000.*

*PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities an estimated increase of \$4,970 annually for the life of the rule. It is anticipated that the total increase will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** Title 4 – Department of Economic Development

**Division:** 120 – Embalmers and Funeral Directors

**Chapter:** 2 – General Rules

**Type of Rulemaking:** Proposed Amendment

**Rule Number and Name:** 4 CSR 120-2.100 Fees

**II. SUMMARY OF FISCAL IMPACT**

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by types of the business entities which would likely be affected: | Estimate annual cost of compliance with the rule by the affected entities: |
|--|--|--|
| 11   | Individuals Applying for the Embalmer State Board Examination                    | \$165  |
| 151  | Individuals Applying for the Missouri Law Examination                            | \$3,020  |
| 119  | Individuals Applying for the Funeral Director Practical Examination              | \$1,785  |

**Total Estimated Annual  
Cost for the Life of the  
Rule** **\$4,970**

**III. WORKSHEET**

Embalmer State Board Examination Fee Increase @ \$15.00

Missouri Law Examination Fee Increase @ \$20.00

Funeral Director Practical Examination Fee Increase @ \$15.00

**IV. ASSUMPTIONS**

- Based on figures from FY99 and FY00, the board estimates that approximately 11 individuals applying for the Embalmer State Board Examination, 151 individuals applying for the Missouri Law Examination, and 119 individuals applying for the funeral director practical examination will be affected by the fee increases each year for the life of the rule.
- The private entity increase for this proposed amendment is estimated to be \$4,970 annually for the life of the rule. It is anticipated that the total annual increase will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC [DEPARTMENT] DEVELOPMENT****Division 150—State Board of Registration for the Healing Arts****Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants****PROPOSED AMENDMENT**

**4 CSR 150-3.010 Applicants for Licensure as Professional Physical Therapists.** The board is proposing to amend subsection (5)(A).

*PURPOSE:* This amendment increases the total score required on the Test of English as a Foreign Language (TOEFL) examination.

(5) If the applicant is from a country in which the predominate language is not English, the applicant must provide the board with the following:

(A) TOEFL (Test of English as a Foreign Language) Certificate in which the applicant has obtained a minimum score of fifty-five (55) in each section and a total score of [five hundred fifty (550)] **five hundred sixty (560)**; and

*AUTHORITY:* sections 334.125 and 334.550, RSMo [1994] Supp. 1999. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 18, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Physical Therapists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT****Division 150—State Board of Registration for the Healing Arts****Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants****PROPOSED AMENDMENT**

**4 CSR 150-3.203 Acceptable Continuing Education.** The board is proposing to amend subsection (5)(A).

*PURPOSE:* This amendment adds courses and activities sponsored by the American Osteopathic Association (AOA) to the list of continuing education courses automatically approved by the board.

(5) Acceptable continuing education is automatically approved if such course or activity is obtained as follows:

(A) Courses and activities sponsored by the American Physical Therapy Association (APTA) or any of its components including state chapters and specialty sections/boards (i.e., the Missouri Physical Therapy Association (MPTA) or any other professional physical therapy state association); the American Medical Association (AMA), the American Osteopathic Association (AOA), or the Federation of State Boards of Physical Therapy

(FSBPT) which at least in part relate to practice of physical therapy.

1. A continuing education document from the American Physical Therapy Association (APTA), or any of its components including state chapters and specialty sections/boards; (Missouri Physical Therapy Association (MPTA) or any other professional physical therapy state association); the American Medical Association (AMA), the American Osteopathic Association (AOA), the Federation of State Boards of Physical Therapy (FSBPT), specifically listing the continuing education course completed by the specified licensee, the date, time and place of the course, and the actual number of continuing education clock hours accumulated for the program shall be the document(s) necessary as proof of compliance if audited by the board to submit proof; or

2. A certificate of attendance bearing the original signature of the sponsor of the course/seminar/program specifically identifying the licensee as the certificate holder, the program title and the names of the presenter(s), the goals and objectives of the course/seminar/program, the location in which the course/seminar/program took place, and the actual number of continuing education clock hours accumulated for the program shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

*AUTHORITY:* sections 334.125 and 334.507, RSMo Supp. [1998] 1999. Original rule filed May 14, 1999, effective Dec. 30, 1999. Amended: Filed July 25, 2000. Amended: Filed Aug. 25, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Physical Therapists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT****Division 150—State Board of Registration for the Healing Arts****Chapter 4—Licensing of Speech-Language Pathologists and Audiologists****PROPOSED AMENDMENT**

**4 CSR 150-4.056 Applicants for Provisional Licensure Renewal.** The board is proposing to amend the Purpose section, sections (1), (4) and (6), delete sections (2), (3), (5) and (7)–(11) and renumber the remaining sections accordingly.

*PURPOSE:* The board is proposing to amend this rule in order to make it consistent with provisional licensure renewal requirements pursuant to statute 345.022, RSMo.

*PURPOSE:* This rule provides the requirements for speech-language pathology and [clinical] audiology [provisional licensure and] provisional licensure renewal pursuant to section 345.022, RSMo.

(1) [Applicants for provisional licensure are required to make application on forms prepared by the board.] Upon submission of a properly completed renewal application and



fee, a provisional license may be renewed, only once, making a provisional license valid for a maximum lifetime of two (2) years.

*[(2) No application will be considered unless fully and completely made out on the specified form and properly attested.]*

*[(3) Applications shall be sent to the State Board of Registration for the Healing Arts, P.O. Box 4, Jefferson City, MO 65102.]*

*[(4)] (2) The fee for provisional licensure shall be an appropriate fee, to be established by the board. [The fee shall be sent in the form of a bank draft, post office money order or express money order payable on a United States bank made payable to the Missouri Board of Healing Arts. Personal and/or corporate checks will not be accepted. No application will be processed until the licensure fee is received.]*

*(5) The applicant shall attach to the application a recent photograph not larger than three and one-half inches by five inches (3 1/2" × 5").]*

*[(6)] (3) Applicants for provisional licensure renewal must submit the following documentation if not provided with initial application:*

*(A) Proof of receipt of a master's or doctoral degree from an institution accredited by the American Speech-Language-Hearing Association accrediting body, in the area for which licensure is sought. Documentation shall be provided on the board-prescribed form and submitted directly to the board from the program director of the accredited institution;*

*(B) Proof of passage of the National Examination in Speech-Language Pathology and/or [Clinical] Audiology. Examination scores must be submitted to the board directly from the Educational Testing Service. The passing score shall remain consistent with the passing score set by the American Speech-Language-Hearing Association, on the date of licensure application;*

*[(C) Applicants shall provide, on forms prescribed by the board, a plan for completion of the supervised postgraduate professional experience. This form must be signed by a supervisor holding current permanent Missouri licensure, in the area in which the applicant seeks licensure. The plan shall consist of at least thirty-six (36) weeks of full-time professional experience. A minimum of thirty (30) hours of work per week constitutes full-time employment. If the applicant works twenty-five to twenty-nine (25-29) hours per week, the length of the experience must be at least forty-eight (48) weeks. If the applicant works twenty to twenty-four (20-24) hours per week, the length of the experience must be at least sixty (60) weeks. If the applicant works fifteen to nineteen (15-19) hours per week, the length of the experience must be at least seventy-two (72) weeks;*

*(D) At the conclusion of the supervised postgraduate experience period, the supervisor and the provisional licensee shall sign and submit a board prescribed report which documents completion of the experience;]* and

*[(E)] (C) Verification of licensure or registration to practice in another state or territory shall be submitted to the board directly from the licensing/registration agency.*

*[(7) Provisional licensees who change their clinical fellowship site, clinical fellowship supervisor, or the number of hours worked per week, must submit, on forms prescribed by the board, the revised plan for completion of the super-*

*vised postgraduate professional experience, to the board no later than four (4) weeks after initiating the change. The change must be approved by the board in order to receive credit.*

*(8) Applicants seeking provisional licensure in both speech-language pathology and clinical audiology shall meet the qualifications and submit the required documentation as stated above for both professions.*

*(9) The provisional license is valid for one (1) year. The license may be renewed one (1) time with board approval. Applicants requesting renewal must submit a provisional licensure renewal application form, the renewal fee and the documentation required in section (6) of this rule.*

*(10) When an applicant has filed his/her application and the appropriate fee for provisional licensure, and the application is denied by the board or subsequently withdrawn by the applicant, the fee will be retained by the board as a service charge.*

*(11) An applicant may withdraw his/her application for provisional licensure anytime prior to the board's vote on his/her candidacy for licensure.]*

*AUTHORITY: sections 345.022 and 345.030, RSMo Supp. [1995] 1999. Original rule filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed Aug. 31, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, Tina Steinman, Executive Director, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 205—Missouri Board of Occupational Therapy Chapter 4—Supervision**

#### **PROPOSED AMENDMENT**

#### **4 CSR 205-4.030 Supervision of Occupational Therapy Aides.**

The board is proposing to amend sections (1), (5) and (6), add a new section (2), delete section (7) and renumber the sections accordingly.

*PURPOSE: This amendment will reflect the changes made by House Bill 343 of the 89th General Assembly to section 324.050.2 (7), which further defined the supervision requirements of "occupational therapy aide."*

*(1) An occupational therapist or occupational therapy assistant must provide direct supervision of an occupational therapy aide at all times.*

*(2) When an occupational therapist or occupational therapy assistant delegates to an occupational therapy aide maintenance or restorative services to patients/clients, the occupa-*

**tional therapist or occupational therapy assistant must be in the immediate area and within audible and visual range of the patient/client and the occupational therapy aide.**

[[2)] (3) An occupational therapist or occupational therapy assistant may delegate to an occupational therapy aide only specific tasks which are neither evaluative, assessive, task selective nor recommending in nature, and only after ensuring that the aide has been appropriately trained for the performance of the task.

[[3)] (4) Occupational therapists and occupational therapy assistants must exercise their professional judgement when determining the number of occupational therapy aides they can safely and effectively supervise to ensure that quality care is provided at all times.

[[4)] (5) Any duties assigned to an occupational therapy aide must be determined and appropriately supervised by an occupational therapist or occupational therapy assistant and must not exceed the level of training, knowledge, skill, and competence of the individual being supervised. The licensed occupational therapist or occupational therapy assistant is responsible for the acts or actions performed by any occupational therapy aide functioning in the occupational therapy setting.

[[5)] (6) *[Duties or functions which occupational therapy aides may perform include, but are not limited to:]* An occupational therapist or occupational therapy assistant may delegate to an occupational therapy aide duties or functions other than maintenance or restorative services to patients or clients, including but not limited to subsections (6)(A) through (6)(D). When an occupational therapist or occupational therapy assistant delegates to an occupational therapy aide, duties or functions other than maintenance or restorative services to patients or clients, the occupational therapist or occupational therapy assistant must provide direct supervision, however, the occupational therapist or occupational therapy assistant is not required to remain within audible and visual range of the patient/client—

[[A)] *Routine maintenance tasks;*

[[B)] (A) Transportation of patients/clients;

[[C)] (B) Preparation or setting up of treatment equipment and work area;

[[D)] (C) Attending to patient's/client's personal needs during treatment; and

[[E)] (D) Clerical/secretarial or administrative duties; and].

[[F)] *Maintenance or restorative services to patients/clients under the supervision of an occupational therapist and/or occupational therapy assistant.]*

[[6)] (7) *[Duties or functions which occupational therapy aides may not perform]* Duties or functions that an occupational therapist or occupational therapy assistant may not delegate to an occupational therapy aide include, but are not limited to:

(A) Interpretation of referrals or prescriptions for occupational therapy services;

(B) Evaluative procedures;

(C) Development, planning, adjusting or modification of treatment procedures;

(D) Acting on behalf of the occupational therapist in any matter related to direct patient care which requires judgement or decision making; and

(E) Any act performed independently or without supervision of an occupational therapist.

[[7)] *An occupational therapy aide may assist in the delivery of occupational therapy services; however, the occu-*

*pational therapy aide may not provide independent patient treatment without the supervision of an occupational therapist and/or occupational therapy assistant or use a title or description implying that the occupational therapy aide is a provider of occupational therapy services.]*

**AUTHORITY:** sections 324.050, 324.056, 324.065, 324.083 and 324.086, RSMo Supp. [1997] 1999. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Aug. 31, 2000.

**PUBLIC COST:** The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** The proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Occupational Therapy, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 10—Air Conservation Commission**

#### **Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area**

### **PROPOSED RULE**

**10 CSR 10-2.215 Control of Emissions from Solvent Cleanup Operations.** If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

**PURPOSE:** *This rule will reduce volatile organic compound (VOC) emissions from solvent cleanup operations. The RSMo 536.016 requirement for necessity evidence is the Kansas City Ozone Maintenance Plan adopted February 3, 1998, and section 182 of the Clean Air Act.*

(1) Applicability.

(A) This rule shall apply throughout Clay, Jackson and Platte counties.

(B) This rule shall apply to any person who performs or allows the performance of any cleaning operation involving the use of a VOC solvent or solvent solution. The provisions of this rule shall not apply to any stationary source at which cleaning solvent VOCs are emitted at less than five hundred (500) pounds per day.

(C) The following cleaning operations are not subject to the provisions of this rule:

1. Cold cleaner;

2. Open top vapor degreaser;

3. Conveyorized cold cleaners;

4. Conveyorized vapor degreaser;

5. Nonmanufacturing area cleaning. Nonmanufacturing areas include cafeterias, laboratories, pilot facilities, restrooms, and office buildings;

6. Cleaning operations for which there has been made a best available control technology, reasonably available control technology, or lowest achievable emission rate determination; and

7. Cleaning operations which are subject to the Aerospace National Emission Standards for Hazardous Air Pollutants Standards source category, under 40 CFR 63 subpart GG.

(2) Definitions.

(A) Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(B) Simple mass balance equation (SMBE) is a summation of the vapor amounts that equal the total weight of liquid solvent in the system minus the weight of liquid solvent in the used category.

$$V_e = S_i - S_o(1 - X_{ci})(1 - C_{ei})$$

Where

$V_e$  = Total weight of the evaporative loss of the VOC (from container, the cleaning operation, the surface being cleaned, and the discard wipes and residue)

$S_i$  = Liquid VOC input weight

$S_o$  = Total liquid VOC output weight (from the cleaning operation, the surface being cleaned and the discard wipes and residue)

$X_{ci}$  = Total weight fraction of the contaminants (in the wipes and liquid residue)

$C_{ei}$  = Total weight fraction due to control of VOCs attributed to add on emission control device(s)—Note  $C_{ei}$  will be zero (0) if not applicable.

### (3) General Provisions.

(A) Any person performing any industrial cleaning operation, not excluded in subsection (1)(B) or (1)(C) of this rule, involving the use of a VOC solvent or solvent solution shall demonstrate a thirty percent (30%) reduction in plant-wide industrial VOC cleaning solvent emissions as described in subsection (3)(B) of this rule by May 1, 2003.

(B) Solvent Emission Reduction. The following provisions shall apply to any stationary source subject to subsection (3)(A) of this rule:

1. A thirty percent (30%) emission reduction shall be based on emissions in 1997 and in 1998 or shall be based on total VOC plant-wide emissions divided by units produced in 1997 and in 1998. If the owner/operator demonstrates that either 1997 or 1998 is not a representative production year, then a demonstration shall be made to the agency that another year is more representative for purposes of comparison or for prorating cleaning solvent usage. The following applicable documentation of actions and associated emission reductions shall be sent to the department for approval by December 1, 2002:

A. Changes in cleaning solvents used;

B. Changes in work practices; and

C. Changes in equipment or processes; and

2. The changes described in paragraph (3)(B)1. of this rule shall remain in effect until other changes resulting in greater, or equal, VOC emission reductions from the cleaning operations are implemented.

(4) Reporting and Record Keeping. The person responsible for industrial cleaning operations at an affected facility seeking to comply with subsection (3)(A) of this rule shall keep records of information sufficient for the calculation of emissions from each Unit Operation System (UOS) from the use of industrial cleaning solvents. A UOS consists of an industrial cleaning operation around which all organic solvent usage, disposal and fugitive losses may be calculated using a SMBE. As an aid to compliance with this section, records for industrial cleaning UOSs may include one (1) or more of the following:

(A) Engineering drawings or sketches of all UOSs used to define industrial cleaning operations within the facility, including a system boundary, organic solvent input(s), organic solvent output(s), and organic solvent evaporative loss points. These drawings shall include each of the following:

1. Labeled boxes within the system boundary which describe all components of the UOS, including any virgin solvent containers, solvent applicators, used solvent containers, and the surface being cleaned;

2. Numbered or lettered arrows depicting liquid and/or evaporative solvent flow, accurate with respect to relative mass flow rates in and out of the system boundary; and

3. Arrows depicting all organic solvent pathways within the system boundary;

(B) One (1) accurate SMBE for each UOS depicted in subsection (4)(A) of this rule. Each equation shall have variables consistent with those used to define the corresponding UOS and shall be solved for total VOC emissions for the UOS;

(C) Any assumptions or approximations made in defining the UOSs; and

(D) Records shall be retained by the owner or operator for a minimum of five (5) years. These records shall be made available to the representatives of the department upon request.

(5) Test Methods. (Not Applicable)

*AUTHORITY: section 643.050, RSMo Supp. 1999. Original rule filed Aug. 30, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will cost \$10,000 in FY 2003. Savings resulting from reduced solvent use should offset additional costs associated with this rule. As a result, no additional cost is listed for years 2004 and beyond. Total aggregate cost is \$10,000.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., December 7, 2000. The public hearing will be held at the Holiday Inn, 1200 Gannon Drive, Festus, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 14, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.*

### FISCAL NOTE PRIVATE ENTITY COST

#### I. RULE NUMBER

Title: 10-Department of Natural Resources

Division: 10-Air Conservation Commission

Chapter: 2-Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10-2.215 Control of Emissions from Solvent Cleanup Operations

#### II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the Proposed Rule: | Classification by types of the business entities which would likely be affected: | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: |
|--|--|--|
| (1)  | Automobile manufacturer  | \$10,000   |

#### III. WORKSHEET

|  | FY 2000<br>(3 months) | FY 2001 | FY 2002 | FY 2003  | FY 2004    |
|--|-----------------------|---------|---------|----------|------------|
| Personnel Training Cost (See Assumption 1)                     | \$ 0                  | \$ 0    | \$ 0    | \$ 3,200 | \$ 19,200  |
| Work Practice Standards Cost (See Assumption 2)                | \$ 0                  | \$ 0    | \$ 0    | \$ 4,800 | \$ 0       |
| Screening Tests and Trial Evaluations Costs (See Assumption 3) | \$ 0                  | \$ 0    | \$ 0    | \$ 2,000 | \$ 12,000  |
| Solvent Savings (See Assumptions 4)                            | \$ 0                  | \$ 0    | \$ 0    | \$ 0     | \$ -31,200 |
| TOTAL  | \$ 0                  | \$ 0    | \$ 0    | \$10,000 | \$ 0       |

#### IV. ASSUMPTIONS

1. The affected private entity cost is based on 400 hours per year at \$48 per hour for personnel training.
2. The affected private entity cost is based on 100 hours at \$48 per hour to develop work practice standards.
3. Screening tests and trial evaluations of solvents are often done on a continuous basis within the affected industry(s). New screening tests and trial evaluations may therefore be unnecessary, resulting in no additional costs. However, lifetime screening tests and evaluation costs are estimated at \$14,000.
4. Savings resulting from reduced solvent use should offset costs associated with this rule. As a result, no additional cost is listed for years 2005 and beyond.
5. All costs are based on and presented in year 2000 dollars.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**PROPOSED AMENDMENT**

**11 CSR 40-5.040 Registration.** The Missouri Division of Fire Safety is amending section (1).

*PURPOSE:* This proposed amendment will eliminate redundancy by eliminating the requirement that elevator equipment be registered each year by July 1.

(1) Within twelve (12) months after adoption of these rules and regulations under this section relating to registration of an existing installation *[and thereafter by July 1 of each year,]* the owner, operator, lessee *[of]* or agent of either, shall register each installation, whether or not dormant with the Department of Public Safety, giving type, contract load and speed, name of manufacturer, its location and the purpose for which it is used, and such additional information as the department may require. Registration must be made on a form to be furnished by the department, upon request. Existing or new installations, the construction of which are commenced subsequent to the date of promulgation of these rules, must be registered in the manner prescribed by the department.

*AUTHORITY:* section 701.355, RSMo 1994. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, William Farr, State Fire Marshal, P.O. Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**PROPOSED AMENDMENT**

**11 CSR 40-5.050 New Installations.** The Missouri Division of Fire Safety is amending section (1).

*PURPOSE:* This proposed amendment incorporates a recent change to the ASME code standard.

(1) Minimum Standards. All new elevator equipment installed on or after the effective date of these rules and regulations shall be constructed and installed in conformity with the standards prescribed in the American Society of Mechanical Engineers, ASME A17.1, *Safety Code for Elevators and Escalators*, **A18.1, Safety Standard for Platform Lifts and Stairway Chair Lifts**, American National Standard *Safety Code for Manlifts* ANSI A90.1, American National *Safety Code for Personnel Hoist* ANSI A10.4 latest version adopted and amended by the Elevator Safety Board, unless as exempted by section 701.359, RSMo. These standards are hereby adopted by reference and incorporated herein.

*AUTHORITY:* section 701.355, RSMo 1994. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, William Farr, State Fire Marshal, P.O. Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**PROPOSED AMENDMENT**

**11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment.** The Missouri Division of Fire Safety is amending subsection (1)(G).

*PURPOSE:* This proposed amendment incorporates a recent change to the ASME code standard.

(1) The following standards apply to all existing elevator equipment installed prior to the effective date of these rules and regulations as provided in 11 CSR 40-5.060. Any installation which is in compliance with the latest ASME A17.1 version adopted and amended by the Elevator Safety Board, unless as exempted by 701.359, RSMo shall be considered to be in compliance with 11 CSR 40-5.065. The foregoing standards are incorporated by reference in this rule.

(G) Maintenance, Repair and Alterations.

1. All maintenance shall comply with ASME A17.1, section 1002.

2. All repairs and alterations shall comply with ASME A17.1, section 1200.

3. All maintenance, repair and alterations to platform lifts and stairway chair lifts must comply with ASME A18.1, *Safety Standard for Platform Lifts and Stairway Chair Lifts*. The foregoing standard is incorporated by reference in this rule.

*AUTHORITY:* section 701.355, RSMo 1994. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, William Farr, State Fire Marshal, P.O. Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**PROPOSED AMENDMENT**

**11 CSR 40-5.090 Inspection and Testing.** The Missouri Division of Fire Safety is amending section (1) and (3)(C).

*PURPOSE: This proposed amendment will prohibit authorized representatives from having the authority to waive a witnessed test. The department will have sole authority to allow the waiver of a witnessed test.*

(1) Minimum Standard. All inspections and testing required by Missouri Statute 701.350–701.380 and these rules and regulations shall be made in accordance with the standards established by these rules and regulations and the American Society of Mechanical Engineers Manuals for Elevators and Escalators, ASME A17.1, A17.2, A17.2.1, A17.2.2, **A18.1** and A17.2.3, latest version adopted and amended by the Elevator Safety Board excluding routine inspection requirements of part 10 in ASME A17.1. The foregoing standards are incorporated by reference in this rule.

(3) Testing Procedures.

(C) Tests required by these rules and regulations shall be made by a person qualified to perform such service employed by the owner, operator, lessee or agent of either, in the presence of a licensed inspector. The department *[or its authorized representative]* has within its discretion, the authority to allow the testing to be performed without a licensed inspector present. In such cases, the elevator equipment shall be properly tagged by the qualified person performing the testing. The inspector shall verify the proper tagging of the elevator equipment within a ten (10)-day period. It will be required, without exception, that the testing be witnessed in the presence of a licensed inspector, at least every five (5) years.

*AUTHORITY: section 701.355, RSMo 1994. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, William Farr, State Fire Marshal, P.O. Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**PROPOSED AMENDMENT**

**11 CSR 40-5.120 Inspectors.** The division is amending sections (2)–(8) and adding new sections (4)–(6).

*PURPOSE: This amendment will change minimum qualification requirements for municipal and political subdivision elevator*

*inspectors, increasing the number of qualified inspectors available to insure public safety.*

(2) **Qualification of Special Inspector.** To be eligible for a license to inspect elevator equipment, the applicant or licensee shall—

(A) Have a high school diploma or general educational development (GED) equivalent;

(B) Have had at least four (4) years experience in some mechanical or electrical endeavor, at least one (1) year of which shall have been in the design, construction, installation, repair or inspection of elevators. The non-elevator, mechanical, or electrical experience shall be at the journeyman mechanical level or technical work and the work must have been comparable to work in the elevator industry. Engineering education on a college level may be substituted on a year-for-year basis for the non-elevator qualifying experience. The one (1) year of required elevator experience may be on the basis of continuous employment for one (1) year in which at least half (1/2) of the applicant's time is devoted to elevator work;

(C) Have successfully passed the written examination for elevator inspectors administered by an association accredited by the American Society of Mechanical Engineers and evidenced by a certification of the applicant or licensee as a qualified elevator inspector (QEI). This is commonly referred to as being QEI certified;

(D) Have submitted proof of insurance coverage insuring the applicant against liability for injury or death for any acts or omissions on the part of the applicant. The insurance policy shall be in the amount of not less than one (1) million dollars for bodily injury to or death of one person in any one accident, and, subject to the limit for one (1) person, in an amount of not less than three (3) million dollars for bodily injury to or death of two (2) or more persons in any one (1) accident, and in an amount of not less than fifty thousand dollars (\$50,000) for damage to or destruction of property in any one (1) accident. Additionally, insurance coverage of an employer for whom the special inspector is employed shall be considered to comply with the aforementioned, if the coverage provides equivalent coverage for each special inspector; and

(E) Have no direct financial interest in any business or operation which manufactures, installs, repairs, modifies or services elevator equipment. This qualification does not prohibit employees of insurance companies insuring automatic elevator equipment from obtaining a license as an inspector.

(3) **Grandfather Clause for Special Inspector.** All *[existing]* special inspectors~~/,~~ shall have one (1) year from the effective date of these rules and regulations to meet the qualifications established by sections 701.350–701.380, RSMo. At the end of one (1) year from the effective date of these rules and regulations, the applicant must comply with the requirements as defined in 11 CSR 40-5.120 as listed herein.

(4) **Qualifications of Municipal or Political Subdivision Inspector.** To be eligible for a license to inspect elevator equipment for a municipality or political subdivision, the applicant or licensee shall meet the requirements listed in subsections 11 CSR 40-5.120(2)(A), (2)(B), (2)(C) and (2)(E). If applicant or licensee does not meet these requirements then (4)(A), (4)(B), (4)(C) and (4)(F) shall be met.

(A) Have a high school diploma or general educational development (GED) equivalent;

(B) Have had at least one (1) year experience in some mechanical or electrical endeavor. The mechanical or electrical experience shall be at the journeyman mechanical level or technical work and the work must have been comparable to work in the elevator industry. Engineering education on a college level may be substituted on a year-for-year basis for the qualifying experience; and

(C) Have successfully passed the written examination for elevator inspectors administered by an association accredited by the American Society of Mechanical Engineers and evidenced by a certification of the applicant or licensee as a qualified elevator inspector (QEI). This is commonly referred to as being QEI certified. If applicant or licensee does not meet subsections (4)(A), (4)(B), (4)(C) and (4)(F) then (4)(D), (4)(E), and (4)(F) shall be met.

(D) Have successfully completed the Building Officials Code Administrators (BOCA) certification program for elevator inspector and evidenced by a certification of the applicant or licensee as a BOCA certified elevator inspector; or a nationally recognized elevator certification program approved by the Elevator Safety Board;

(E) Attend one (1) continuing education and certification class per year as approved by the Missouri Elevator Safety Board; and

(F) Have no direct financial interest in any business or operation that manufactures, installs, repairs, modifies or services elevator equipment. This qualification does not prohibit employees of insurance companies insuring automatic elevator equipment from obtaining a license as an inspector. If applicant or licensee does not meet subsections (4)(D), (4)(E) and (4)(F) then section (5) candidate's license requirements shall be met.

(5) Apply for a Candidate's License to the Missouri Elevator Safety Board. To be eligible for and to maintain a candidate's license to inspect elevator equipment for a municipality or political subdivision the applicant shall—

(A) Have a high school diploma or general educational development (GED) equivalent;

(B) Have had at least one (1) year experience in some mechanical or electrical endeavor. The mechanical or electrical experience shall be at the journeyman mechanical level or technical work and the work must have been comparable to work in the elevator industry. Engineering education on a college level may be substituted on a year-for-year basis for the qualifying experience;

(C) Have their elevator equipment inspections directly supervised by a QEI or BOCA certified elevator inspector or a nationally recognized certified elevator inspector approved by the Missouri Elevator Safety Board;

(D) Within one (1) year of application for candidacy applicant shall have successfully completed the training class for QEI or BOCA certification presented by an association accredited by the American Society of Mechanical Engineers or the Missouri Elevator Safety Board;

(E) Beginning with the second year of their candidacy status the applicant shall attend one (1) continuing education and certification class as approved by the Missouri Elevator Safety Board per year;

(F) Within five (5) years of the date of application to the Missouri Elevator Safety Board for a candidate's license to inspect elevator equipment the applicant shall have successfully passed the written examination for elevator inspectors administered by an association accredited by the American Society of Mechanical Engineers and evidenced by a certification of the applicant or licensee as a qualified elevator inspector (QEI), commonly referred to as being QEI certified; or have successfully completed the Building Officials Code Administrators (BOCA) certification program for Elevator Inspector and evidenced by a certification of the applicant or licensee as a BOCA certified elevator inspector; or a nationally recognized elevator certification program approved by the Elevator Safety Board; and

(G) Have no direct financial interest in any business or operation that manufactures, installs, repairs, modifies or services

elevator equipment. This qualification does not prohibit employees of insurance companies insuring automatic elevator equipment from obtaining a license as an inspector.

(6) Grandfather Clause for Municipal and Political Subdivision Inspector. All existing inspectors shall have one (1) year from the effective date of these rules and regulations to meet the qualifications established by sections 701.350–701.380, RSMo. At the end of one (1) year from the effective date of these rules and regulations, the applicant must comply with the requirements as defined in 11 CSR 40-5.120 as listed herein, except that upon application to the Missouri Elevator Safety Board for a candidate's license, existing inspectors need not comply with subsection 11 CSR 40-5.120(5)(F).

//4// (7) Application.

(A) A written application for a license shall be on a form supplied by the department, which shall include a statement of the applicant's experience and proof that the applicant is QEI certified.

(B) The board shall consider an application for a license at its next regular meeting, which shall in no event be more than three (3) months from the date the department received the application.

//5// (8) Issuance.

(A) The department shall issue a license immediately upon the board's approval of an applicant and the payment of a fee in accordance with 11 CSR 40-5.110.

(B) A license shall expire one (1) year from the date of issuance or renewal. License shall be renewed annually. The annual inspector license fee shall be in accordance with 11 CSR 40-5.110 as listed herein.

//6// (9) Prohibited Activities.

(A) No licensed inspector shall inspect any elevator equipment if the licensed inspector has a direct financial interest in the building or operation in which the elevator equipment is located.

(B) No licensed inspector shall have or maintain a financial interest in any business which manufactures, installs, alters, or services elevator equipment.

(C) No licensed inspector shall recommend or refer one of his/her clients or customers to a specific business, firm, or corporation which manufactures, installs, repairs, alters, or services elevator equipment.

//7// (10) Financial Disclosure. On or before January 31 of each year, all licensed inspectors shall file, with the department, a financial disclosure statement on forms provided by the department and approved by the board. Such forms shall include, but not be limited to, the following:

(A) The name and address of any corporation, firm, or enterprise in which the licensed inspector has a direct financial interest of a value in excess of one thousand dollars (\$1,000). Policies of insurance issued to the licensed inspector or their spouse are not to be considered a financial interest;

(B) A list of every office or directorship held by the licensed inspector or their spouse, in any corporation, firm, or enterprise subject to jurisdiction of the board; and

(C) A list showing the name and address of any person, corporation, firm, or enterprise from which the licensed inspector received compensation in excess of one thousand five hundred dollars (\$1,500) during the preceding year.

//8// (11) Revocation and Suspension of License.

(A) The board may revoke or suspend any license for cause. Such cause shall include, but not be limited to the following:

1. Failure to comply with the provisions of sections 701.350–701.380, RSMo, or these rules and regulations; and

2. Falsifying or making a material misstatement or omission on any application for license, financial disclosure statement, or inspection report.

(B) The department shall give notice to the licensee by mail at least fifteen (15) days prior to any hearing before the board regarding a license suspension or revocation. Such notice shall state the date, time and place of hearing, and shall contain a statement of the alleged facts or conduct warranting the proposed suspension or revocation.

(C) If the chief elevator inspector notifies the board or the board finds that the public safety imperatively requires emergency action, and the board incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending the immediate initiation of the license revocation procedures. In such an event, the licensee shall be given written notice of the suspension. Such notice shall state the date, time, and place of an emergency revocation hearing and a statement of the alleged facts or conduct warranting the summary suspension and proposed revocation. Hearing to be held within five (5) days of receipt of the notice.

**AUTHORITY:** section 701.355, RSMo 1994. Original rule filed Aug. 26, 1998, effective July 1, 1999. Emergency amendment filed Aug. 24, 2000, effective Sept. 4, 2000, expires March 2, 2001. Amended: Filed Aug. 29, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, William Farr, State Fire Marshal, P.O. Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 3—State Sales Tax**

**PROPOSED RESCISSION**

**12 CSR 10-3.131 Change of State Sales Tax Rate.** This rule clarified that gross receipts received after the effective date of a change to the state tax rate are subject to the new tax rate.

**PURPOSE:** This rule is being rescinded because it is superseded by other rules.

**AUTHORITY:** section 144.270, RSMo 1994. Original rule filed Sept. 7, 1984, effective Jan. 12, 1985. Emergency amendment filed Sept. 29, 1989, effective Oct. 9, 1989, expired Feb. 5, 1990. Amended: Filed Sept. 29, 1989, effective Feb. 25, 1990. Rescinded: Filed Aug. 24, 2000.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, com-

ments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 3—State Sales Tax**

**PROPOSED RESCISSION**

**12 CSR 10-3.210 Seller Must Charge Correct Rate.** This rule interpreted the sales tax law as it applied to the responsibility of the seller for charging the correct rate of tax and interpreted and applied sections 144.060, 144.080 and 144.100, RSMo.

**PURPOSE:** This rule is being rescinded because it is superseded by other rules.

**AUTHORITY:** section 144.270, RSMo 1994. S.T. regulation 020-1 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Aug. 24, 2000.

**PUBLIC COST:** The proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 4—State Use Tax**

**PROPOSED RESCISSION**

**12 CSR 10-4.624 Change of State Use Tax Rate.** This rule clarified which tax rate to use in computing use tax liability on gross receipts when there has been a change in the state use tax rate.

**PURPOSE:** This rule is being rescinded because it is superseded by other rules.

**AUTHORITY:** section 144.705, RSMo 1994. Emergency rule filed Sept. 29, 1989, effective Oct. 9, 1989, expired Feb. 5, 1990. Original rule filed Sept. 29, 1989, effective Jan. 26, 1990. Rescinded: Filed Aug. 24, 2000.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 25—Motor Vehicle Financial Responsibility**

**PROPOSED AMENDMENT**

**12 CSR 10-25.050 Filing a Report of an Accident With the Director of Revenue.** The director proposes to amend the Purpose section and replace the form published with this rule.

*PURPOSE: This rule is being amended as the instruction sheet has been amended to emphasize certain information that must be included in the accident report form.*

*PURPOSE: This rule sets forth the attached form as the form to be utilized in filing accident reports by persons required to make reports pursuant to section 303.040, RSMo. [No form other than the one prescribed in this rule will be permitted in the filing of an accident report as required by section 303.040, RSMo.]*

**(1) A special form prescribed by this rule and incorporated by reference at the end of this rule, MO 860-0427, Missouri Motor Vehicle Accident Report Form and Instructions is to be used in the filing of an accident report. No form other than the one prescribed in this rule will be permitted in the filing of an accident report as requested by section 303.040, RSMo.**

*AUTHORITY: section 303.290, RSMo 1994. This version of rule filed Dec. 10, 1973, effective Dec. 20, 1973. Amended: Filed Sept. 27, 1976, effective Jan. 13, 1977. Amended: Filed Nov. 21, 1991, effective April 9, 1992. Amended: Filed Dec. 12, 1997, effective June 30, 1998. Amended: Filed Aug. 21, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## MISSOURI MOTOR VEHICLE ACCIDENT REPORT FORM AND INSTRUCTIONS

### FILE THIS REPORT IF:

1. The accident happened in Missouri.
2. One year has not passed since the accident happened.
3. Someone involved in the accident did not have liability insurance coverage.

### AND

4. There is damage to any one or more person's property in **excess** of \$500; or there was personal injury or death.

### FILING A REPORT:

1. Fill in all blanks on the attached report, if possible.
2. Sign the report. (The report will be rejected back to you if it is not signed.)
3. Attach any of the following reports that pertain to this accident.
  - A. Estimate of cost to repair a vehicle or other property.
    1. The estimate must be itemized.
    2. The estimate must be **signed** by the person who prepared it.
    3. The date of estimate must be on or after the date of the accident.
  - B. Physician's report/medical bills.
    1. Physician's report/medical bills must give a **detailed** explanation of the type and extent of injury.
    2. Physician's report/medical bills **must be signed** by the physician.
  - C. Death certificate or copy of police report that indicates there was a fatality.
4. If available, attach a letter from the insurance company of the uninsured motorist denying insurance coverage for the accident.

**\*\* GENERAL INFORMATION \*\***

- \* It is the responsibility of the operator, not the state, to bring an action at law on the claim of the operator arising out of the accident.
- \* The security deposited shall only be applied to the payment of a judgment against the person or persons on whose behalf the deposit was made.
- \* The Department of Revenue shall return the deposit to the depositor after the expiration of one year from the date of the accident, or as otherwise provided in Missouri Revised Statute, Section 303.060.


**MISSOURI DEPARTMENT OF REVENUE  
MOTOR VEHICLE ACCIDENT REPORT**

BUREAU CASE NUMBER

|  |   |  |                                  |
|--|---|--|----------------------------------|
| ACCIDENT DATE  | TIME<br><input type="checkbox"/> A.M. <input type="checkbox"/> P.M. | NUMBER OF VEHICLES INVOLVED                | STATE IN WHICH ACCIDENT OCCURRED |
| ACCIDENT LOCATION - STREET NAME OR HIGHWAY NUMBER  |   | AT OR NEAR INTERSECTION                    | COUNTY                           |
| WAS A POLICE REPORT MADE ON THIS ACCIDENT?<br><input type="checkbox"/> YES <input type="checkbox"/> NO |   | IF YES, WHAT POLICE AGENCY MADE THE REPORT |                                  |

**LIABILITY INSURANCE INFORMATION: IF ANY OF THIS INFORMATION IS INCOMPLETE, YOU WILL BE CONSIDERED UNINSURED FOR THIS ACCIDENT.**

|  |                   |                      |
|--|-------------------|----------------------|
| AT THE TIME OF THE ACCIDENT, WAS YOUR VEHICLE COVERED BY PROPERTY AND BODILY INJURY LIABILITY INSURANCE?<br><input type="checkbox"/> YES <input type="checkbox"/> NO | INSURANCE COMPANY | INSURANCE POLICY NO. |
|--|-------------------|----------------------|

| YOUR VEHICLE - DRIVER INFORMATION |                       |                |                       | YOUR VEHICLE - OWNER INFORMATION |                   |       |      |
|-----------------------------------|-----------------------|----------------|-----------------------|----------------------------------|-------------------|-------|------|
| DRIVER                            | SEX                   | OWNER          | OWNER'S DATE OF BIRTH | SEX                              |                   |       |      |
| STREET ADDRESS                    |                       | STREET ADDRESS |                       | DRIVER LICENSE NUMBER            |                   |       |      |
| CITY, STATE                       | ZIP CODE              | CITY, STATE    | ZIP CODE              |                                  |                   |       |      |
| DRIVER'S DATE OF BIRTH            | DRIVER LICENSE NUMBER | STATE          | VEHICLE MAKE/YEAR     | TYPE OF VEHICLE                  | LICENSE PLATE NO. | STATE | YEAR |

**OTHER INVOLVED PARTIES**

| OTHER VEHICLE - DRIVER INFORMATION |                       |                |                       | OTHER VEHICLE - OWNER INFORMATION |                   |       |      |
|------------------------------------|-----------------------|----------------|-----------------------|-----------------------------------|-------------------|-------|------|
| DRIVER                             | SEX                   | OWNER          | OWNER'S DATE OF BIRTH | SEX                               |                   |       |      |
| STREET ADDRESS                     |                       | STREET ADDRESS |                       | DRIVER LICENSE NUMBER             |                   |       |      |
| CITY, STATE                        | ZIP CODE              | CITY, STATE    | ZIP CODE              |                                   |                   |       |      |
| DRIVER'S DATE OF BIRTH             | DRIVER LICENSE NUMBER | STATE          | VEHICLE MAKE/YEAR     | TYPE OF VEHICLE                   | LICENSE PLATE NO. | STATE | YEAR |

| OTHER VEHICLE - DRIVER INFORMATION |                       |                |                       | OTHER VEHICLE - OWNER INFORMATION |                   |       |      |
|------------------------------------|-----------------------|----------------|-----------------------|-----------------------------------|-------------------|-------|------|
| DRIVER                             | SEX                   | OWNER          | OWNER'S DATE OF BIRTH | SEX                               |                   |       |      |
| STREET ADDRESS                     |                       | STREET ADDRESS |                       | DRIVER LICENSE NUMBER             |                   |       |      |
| CITY, STATE                        | ZIP CODE              | CITY, STATE    | ZIP CODE              |                                   |                   |       |      |
| DRIVER'S DATE OF BIRTH             | DRIVER LICENSE NUMBER | STATE          | VEHICLE MAKE/YEAR     | TYPE OF VEHICLE                   | LICENSE PLATE NO. | STATE | YEAR |

| OTHER VEHICLE - DRIVER INFORMATION |                       |                |                       | OTHER VEHICLE - OWNER INFORMATION |                   |       |      |
|------------------------------------|-----------------------|----------------|-----------------------|-----------------------------------|-------------------|-------|------|
| DRIVER                             | SEX                   | OWNER          | OWNER'S DATE OF BIRTH | SEX                               |                   |       |      |
| STREET ADDRESS                     |                       | STREET ADDRESS |                       | DRIVER LICENSE NUMBER             |                   |       |      |
| CITY, STATE                        | ZIP CODE              | CITY, STATE    | ZIP CODE              |                                   |                   |       |      |
| DRIVER'S DATE OF BIRTH             | DRIVER LICENSE NUMBER | STATE          | VEHICLE MAKE/YEAR     | TYPE OF VEHICLE                   | LICENSE PLATE NO. | STATE | YEAR |

**COMPLETE REVERSE SIDE**

DOR-1140 (6-00)

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 25—Motor Vehicle Financial Responsibility**

**PROPOSED RULE**

**12 CSR 10-25.130 Proof of Financial Responsibility for Reinstatement of Failure to Show Proof of Financial Responsibility Suspensions**

*PURPOSE: This rule establishes the types of proof of financial responsibility that will be accepted for reinstatement of a suspension for failure to show proof of financial responsibility pursuant to Chapter 303, RSMo.*

(1) For purposes of sections 303.042 and 303.044, RSMo, other forms of proof of insurance shall be a legible copy of an insurance identification card, a motor vehicle liability insurance policy, a motor vehicle liability insurance binder or a receipt which contains the policy information required in subsection 2 of section 303.024, RSMo. The director of revenue may as he/she deems necessary require additional documentation in order to determine the authenticity of any document submitted as proof of financial responsibility.

(2) If the driver's address and driver license number are not contained on the proof of insurance document, a document containing such information must accompany the proof of insurance forwarded to the Drivers License Bureau. The driver may supply this information by returning a copy of the suspension notice received from the Department of Revenue with the proof of insurance as it contains the pertinent information.

(3) If the driver's name is not indicated on the proof of insurance document, the insured driver must submit a copy of his or her insurance policy so the director can verify the driver has the necessary insurance.

(4) The proof of insurance document must contain the most current effective date of the policy.

*AUTHORITY: section 303.290, RSMo 1994. Original rule filed Aug. 21, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 25—Motor Vehicle Financial Responsibility**

**PROPOSED RULE**

**12 CSR 10-25.140 Financial Responsibility—Inoperable/Stored Vehicles**

*PURPOSE: This rule establishes the procedures for individuals to notify the director of revenue that a vehicle is inoperable or has*

*been stored and is exempt from the financial responsibility laws pursuant to sections 303.025 and 303.409, RSMo.*

(1) Proof of inoperability or storage shall be submitted to the director of revenue in the form of a certified statement. Such certified statement shall describe the reason for the inoperability and/or the period and terms of storage of the motor vehicle. The director shall have the authority to require additional documentation in order to determine the authenticity of such certified statement. Such documentation shall include, but not be limited to, repair bills, a statement from a mechanic or copies of any rental, lease or storage agreements.

*AUTHORITY: section 303.290, RSMo 1994. Original rule filed Aug. 21, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 25—Motor Vehicle Financial Responsibility**

**PROPOSED RULE**

**12 CSR 10-25.150 Financial Responsibility Sampling**

*PURPOSE: This rule establishes procedures and guidelines necessary to administer the sampling of automobile insurance cancellations as provided in section 303.026.3(1), RSMo.*

(1) A licensed insurance company, as referred to in section 303.026, RSMo, shall include any insurance company which has been issued a certificate of authority by the Missouri Department of Insurance and writes private passenger automobile liability insurance.

(2) All licensed insurance companies, upon request by the director of revenue, shall provide the full name, date of birth, drivers license or Social Security number and address of the named insured; the make, year and the vehicle identification number as shown on the company's record of each insured motor vehicle; the policy number, effective date of the policy and the National Association of Insurance Commissioners (NAIC) identification number. By the seventh day of each month, such information shall be submitted on all active liability policies for the previous month.

(3) Policy information reported pursuant to section (2) of this rule shall be reported only on active liability policies written for vehicles that are principally garaged in the state of Missouri.

(4) As used in this rule, the term active liability policies shall be all motor vehicle liability policies in force at 11:59 p.m. on the last day of each month.

(5) As used in this rule, the term "private passenger automobile liability insurance" shall have the same meaning as the term "private automobile insurance" as defined and used in section

374.450, RSMo, and 20 CSR 600-3.100, except that the term shall be limited to liability insurance. Private passenger automobile liability insurance shall also include liability insurance policies issued on motorcycles and motortricycles.

(6) For purposes of electronically reporting insurance information pursuant to section 303.026, RSMo electronic reporting shall be defined as reporting in a manner by which the data is exchanged between the insurance company and the director of revenue through use of the department's computer system without requiring the director to manually enter the information through human intervention. An electronic format shall include, but not be limited to, online, Internet E-mail, tape, and disk.

(7) Insurers with a statistically insignificant number of policies in force shall be exempt from the requirement to electronically report the information described in section (2) of this rule. For purposes of section 303.026, RSMo, insurers with a statistically insignificant number of policies in force shall be defined as any licensed insurance company which has fewer than one hundred (100) active liability policies. Those companies that are exempt from electronic reporting and do not report electronically shall report the information required by section (2) of this rule to the director of revenue using a written format as specified by the director.

*AUTHORITY: section 303.290, RSMo 1994. Original rule filed Aug. 21, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 103—Sales/Use Tax—Imposition of Tax**

**PROPOSED RULE**

**12 CSR 10-103.555 Determining Taxable Gross Receipts**

*PURPOSE: Section 144.021, RSMo, imposes a tax on a seller's gross receipts. This rule provides guidance for reporting gross receipts.*

(1) In general, all gross receipts resulting from the sale of tangible personal property and taxable services should be reported to the department. When filing a return, the taxpayer should deduct non-taxable receipts from gross receipts to arrive at taxable sales.

(2) Definitions.

(A) Gross receipts—the total amount of the sale price of taxable services and tangible personal property including any services, other than charges incident to the extension of credit, that are a part of such sale and are capable of being valued in money, whether received in money or otherwise.

(B) Rebate—a return of part of an amount given in payment.

(C) Taxable sales—the total amount of gross receipts plus or minus any adjustments permitted or required by law.

(3) Basic Application of Tax.

(A) Tax is imposed on the total amount of the sale price received for the sale of tangible personal property and taxable services. The total amount of each sale should be reported as gross receipts even if the seller separately states to the customer the various components of the sale. Exempt sales should be deducted from gross receipts to arrive at taxable sales. Tax collected as a part of a sale should not be included in gross receipts.

(B) When a taxpayer receives consideration other than money, the full market value of the item exchanged should be included in gross receipts.

(C) When the taxpayer accepts third party coupons, the total sale price includes the value of the coupon. When the taxpayer accepts third party coupons along with food stamps, the value of the food stamps is not included in taxable sales, but the value of the coupon is included in taxable sales.

(D) The value of a coupon issued by the seller is not included in taxable sales.

(E) Rebates from sellers or manufacturers do not reduce taxable sales, except for rebates on motor vehicles, boats, trailers and out-board motors.

(F) A taxpayer accepting an article in trade as a credit or part payment on the purchase price should include the value of the article in gross receipts. The value of the article should be deducted from gross receipts when calculating taxable sales.

(G) Money received in advance, such as down payments, layaways or gift certificates, are not included in gross receipts until the sale has been consummated.

(H) Charges to customers for the extension of credit, such as late fees or financing charges are excluded from gross receipts.

(I) A seller's expenses associated with utilizing the service of credit card companies are not excluded from gross receipts.

(J) If the taxpayer's inventory is stolen or destroyed by fire or other casualty, the insurance receipts are not subject to tax and should not be included in gross receipts.

(4) Examples.

(A) A grocery store accepts manufacturer's coupons from its customers on purchases of various goods. The store sells aluminum foil for \$1.50. The customer presents to the store a \$.50 manufacturer's coupon and pays the remaining balance of \$1.00. The store submits the \$.50 coupon to the manufacturer for payment of the \$.50. The gross receipts from the sale of the aluminum foil are \$1.50 and total taxable sales are \$1.50. Tax should be charged on \$1.50.

(B) On Tuesdays, the same grocery store in Example (A) doubles all manufacturers' coupons. The store then receives \$.50 from the customer and \$.50 from the manufacturer. Gross receipts are \$1.00, and total taxable sales are \$1.00. Tax should be charged on \$1.00.

(C) An appliance manufacturer offers a \$100 cash rebate on an \$800 refrigerator. The store selling the refrigerator should charge tax on \$800. Tax is due on \$800, whether the rebate is received by the customer at the time of purchase or a later date.

(D) A furniture retailer allows customers to "layaway" their purchases until they have paid the full sale price. When the customer has paid the full sale price, the retailer completes the sale and transfers the furniture to the customer. The furniture dealer should not include the layaway amount in its gross receipts until the sale is complete. At that time the total sale price should be reported as gross receipts.

(E) A construction company purchases a new bulldozer. The equipment dealer agrees to sell it a new machine for \$50,000 and give a trade-in allowance of \$10,000 for the old one. The equipment dealer should report \$50,000 in gross receipts. The equipment dealer should then deduct the \$10,000 trade-in value to arrive at taxable sales.

(F) A retailer sells a chair for \$100 to a customer who uses his credit card to pay for the purchase. The seller should charge tax on the full \$100 sales price of the chair. The seller should report \$100 in gross receipts, even though it must pay the credit card company a transaction fee.

*AUTHORITY:* section 144.270, RSMo 1994. Original rule filed Aug. 21, 2000.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 103—Sales/Use Tax—Imposition of Tax**

**PROPOSED RULE**

**12 CSR 10-103.700 Packaging and Shipping Materials**

*PURPOSE:* Section 144.010.1(10), RSMo excludes from tax, purchases that are intended to be resold as tangible personal property. Section 144.030.2(2), RSMo exempts materials that become a component part of new personal property. Section 144.011.1(10), RSMo excludes from tax certain items of a non-reusable nature purchased by eating or food service establishments. This rule explains when purchases of packaging and shipping materials are not subject to tax.

(1) In general, purchases of packaging and shipping materials included with, or used to deliver, a product for ultimate sale at retail are not subject to tax. Purchases of non-reusable items by eating or food service establishments are not subject to tax.

(2) Definition of Terms.

(A) Packaging and shipping materials—containers, pallets, drums and other items used to ship merchandise to customers. It also includes supplies used in shipping, such as tape, strapping, plastic peanuts, foam, cardboard pads, packaging slips, etc. Finally, packaging encompasses integral parts of the finished product such as display cartons and packaging containing the product, e.g., cereal box, and shipping containers.

(3) Basic Application of Tax.

(A) The purchase of packaging and shipping materials is not taxable except when:

1. The packaging is used solely “in house” by the seller and is not subsequently transferred to a purchaser;
2. The packaging material is required to be returned to the seller;
3. The packaging is transferred incidental to the rendering of a nontaxable service, such as with the sale of custom software or color separations; or
4. The packaging is used to ship items that are being transferred as gifts or free samples.

(B) Purchases of items of a non-reusable nature by persons operating eating or food service establishments making retail sales are not subject to tax if the item is furnished with or in conjunction

with the retail sale. Such items include, but are not limited to, wrapping and packaging items; and non-reusable paper, wood, plastic and aluminum articles including containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws and toothpicks.

(4) Examples.

(A) A retailer packages its goods to be shipped to its customers. The packaging and shipping items include boxes, pallets, metal banding, cardboard pads, etc. The customer is not required to return any of these items. The retailer does not owe tax on its purchase of these items.

(B) A distributor separately purchases boxes to store its merchandise in its warehouse. These boxes are not subsequently used for shipments to its customers. The purchase of these boxes is subject to tax.

(C) A grocery store purchases bags that its customers use to carry out their groceries. The grocery store may purchase these bags exempt from tax.

(D) A taxpayer purchases pallets that will be used to ship merchandise to its customers. The customer is required to return the pallet and never acquires title to or ownership of them. The purchase of the pallets is taxable.

(E) A taxpayer purchases pallets that will be used to ship merchandise to its customers. The customer is required to return the pallet, but does have the right to use the pallet until it is returned to the taxpayer. If there is consideration paid for the use of the pallet, the purchase of the pallets is not taxable.

(F) A dry cleaner purchases plastic bags used to protect clothes after cleaning. Because the dry cleaning is not a sale at retail, the dry cleaner must pay tax on the purchase of the bags.

*AUTHORITY:* section 144.270, RSMo 1994. Original rule filed Aug. 21, 2000.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 103—Sales/Use Tax—Imposition of Tax**

**PROPOSED RULE**

**12 CSR 10-103.800 Tax Computation**

*PURPOSE:* Section 144.020, RSMo imposes a four percent sales tax. Section 144.610, RSMo imposes the state’s use tax at the same rate as the sales tax. The *Missouri Constitution*, Article IV, section 43(a) imposes a one-eighth of one percent tax for conservation purposes and Article IV, Section 47(a) imposes a one-tenth of one percent tax for soil and water conservation and for state parks. Missouri law also provides authority for counties, cities and other political subdivisions to enact local taxes. Sections 144.021, 144.080 and 144.285, RSMo require sellers to collect the correct amount of tax. This rule explains how to determine the correct rate of tax.



(1) In general, the seller should charge the rate of state and local tax in effect on the date of the sale.

(2) Basic Application of Rule.

(A) The state tax rate is 4.225 percent. This is comprised of: Four percent state tax, one-eighth of one percent conservation tax, and one-tenth of one percent soil and water conservation tax.

(B) Local political subdivisions may impose local taxes in addition to the state tax rate. The local tax rate is available from the local jurisdiction or on the department's website.

(C) Tax is calculated at the rate in effect on the date of the sale.

(D) When a change in the tax rate becomes effective, all gross receipts from sales made by the retailer before the effective date of the rate change are subject to the old tax rate. A taxpayer reporting sales on a cash basis should report gross receipts from credit or time sales on a separate line on the return, showing the tax rate in effect when the sales were made. When following this procedure, the entry on the return should specifically state the rate in effect at the time of sale. All gross receipts from sales made on or after the effective date are subject to the new tax rate.

(E) Amounts charged to and received from purchasers as tax are not included in gross receipts.

(3) Examples.

(A) A retailer located in an area with city and county taxes totaling two percent must charge and collect a total sales tax of 6.225% on all sales.

(B) The same retailer as in (3)(A) incorrectly charges its customers 5.225% tax. The retailer is responsible for the additional tax.

*AUTHORITY: section 144.270, RSMo 1994. Original rule filed Aug. 21, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 110—Sales/Use Tax—Exemptions**

**PROPOSED RULE**

**12 CSR 10-110.200 Ingredient or Component Part Exemption**

*PURPOSE: Section 144.030.2(2), RSMo exempts from taxation certain materials, goods, machinery and parts. This rule explains the requirements for this exemption.*

(1) In general, purchases of ingredients or component parts are exempt from tax if they blend with the final product and are intended to and do become a part of the finished product. In addition, certain materials that are consumed in the manufacture of steel products intended to be sold ultimately for final use or consumption are exempt from tax.

(2) Definition of Terms.

(A) Component part—a constituent element of a manufactured or fabricated product.

(B) Ingredient—an element in a mixture or compound.

(C) Interacting—means that the materials and component parts or ingredients act upon each other in manufacturing a steel product.

(D) Reacting—means that the materials cause a chemical change in the component parts or ingredients in manufacturing a steel product.

(E) Steel product—the product made entirely of steel resulting from:

1. Smelting and refining molten pig iron, scrap steel or other metals; or

2. Rolling, drawing, casting or alloying steel.

(3) Basic Application of Exemption.

(A) Materials, manufactured goods, machinery, and parts that become a component part or ingredient of new personal property to be sold ultimately for final use or consumption are not subject to tax. Purchases of ingredients or component parts are exempt from tax if they are intended to and do become a part of the finished product. The exemption does not apply to materials that are totally consumed and are not intended to and do not become a part of the final product. In order to qualify for this exemption, the material in question must be intended to remain in the finished product in at least trace amounts for a specific purpose.

(B) Materials, including without limitation, slagging materials and firebrick, which are consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products to be sold ultimately for final use or consumption are exempt from tax.

(C) If any portion of purchased material qualifies as an exempt ingredient or component part; the entire purchase is exempt from tax. The material is exempt even if a significant portion is consumed in the manufacturing process.

(D) Materials purchased to be used as an ingredient or component part to repair existing property does not qualify for these exemptions because the property produced from the repair work does not constitute "new personal property."

(4) Examples.

(A) A toy manufacturer purchases wood, glue, paint and sandpaper to use in the manufacturing of wooden rocking horses. The purchases of wood, glue and paint are exempt from tax. The purchase of sandpaper is taxable.

(B) A restaurant purchases apple wood to use in the smoking of foods. The restaurant burns the wood in a closed chamber called a smoker in which it places the food. The burning wood releases compounds, and small but measurable quantities of the compounds enter and permeate the food. Because a part of the wood, in the form of smoke particles, blends with and remains as part of the finished product, the apple wood may be purchased tax exempt as an ingredient or component part.

(C) An automobile manufacturer purchases soap and wax to wash and wax all automobiles as they leave the manufacturing plant. Some soap residue remains with the automobiles when they leave the plant. The soap does not qualify as an ingredient or component part because it is not intended to remain with the product. The wax does qualify as a component part because it is intended to remain with the product.

(D) A steel mill purchases firebrick and various gases to be used in the production of steel. These purchases are exempt.

(E) A steel fabricator purchases welding rods and gases for use in fabricating a product out of steel plates. The welding rods are exempt because it becomes a component part of new personal property. Even though the gases are consumed in the fabrication process, the gases are not exempt because the new personal property does not qualify as a steel product.

(F) A foundry creates a steel product by casting molten steel. After casting, a cleaning solution is poured over the product to remove impurities from the surface. The cleaning solution is not exempt because it is does not blend, react or interact with a component part or ingredient of the steel product.

*AUTHORITY:* section 144.270, RSMo 1994. Original rule filed Aug. 30, 2000.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 40—State Lottery  
Chapter 20—Fiscal**

**PROPOSED AMENDMENT**

**12 CSR 40-20.030 Nonsufficient Funds Checks/EFT Debits.** The commission proposes to amend sections (1)–(3).

*PURPOSE:* The purpose of this proposed amendment is to expand the options of the Missouri Lottery when treating nonsufficient funds, electronic transfers and checks.

(1) Ticket Receipts.

(A) Any licensee whose check for the payment of tickets is returned from his/her bank as nonsufficient funds (NSF) or whose account does not contain sufficient funds for debiting by electronics funds transfer (EFT) for the payment of tickets shall *[establish an overdraft protection with his/her bank.]* **be subject to changes in credit limits or establishment of special payment arrangements as may be required by the Missouri Lottery.**

*[(B) After the overdraft protection has been established, a letter confirming the establishment of protection must be received by the Missouri Lottery from the licensee's bank.]*

*[(C)]* (B) This policy shall apply to licensees using the manual check system of remitting receipts and also licensees using the EFT system.

*[(D)]* (C) After the Missouri Lottery notifies a licensee of an NSF check, all ticket purchases must be made with certified check, cashier's check or money order prior to the delivery of additional tickets. *[This policy will be required until the receipt of the confirmation letter provided in subsection (1)(B) of this rule.]*

*[(E)]* (D) The retailer shall pay the amount of the NSF check by certified check, cashier's check or money order immediately upon notification of an NSF check **as directed by the Missouri Lottery.**

(2) Other Products or Services.

(C) The lottery may charge an additional fee of *[twenty dollars (\$20)]* **up to fifty dollars (\$50)** for each NSF check returned.

(3) Any licensee who fails to *[obtain overdraft protection or fails to pay the amount of an NSF check]* **comply with the**

**conditions established by the Missouri Lottery** shall be subject to suspension or revocation under section 313.255.6(3).

*AUTHORITY:* section 313.220, RSMo [1986] Supp. 1999. Original rule filed May 5, 1986, effective May 15, 1986. Amended: Filed Aug. 23, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 40—State Lottery  
Chapter 40—Retail Sales Licenses**

**PROPOSED AMENDMENT**

**12 CSR 40-40.230 Licensees Required to Read Rules.** The commission proposes to amend the provisions of this rule.

*PURPOSE:* The purpose of this proposed amendment is to alleviate the step of having employees of licensed retailers sign a certificate stating they read the rules of the commission.

Each licensee and any employee of the licensee who will be involved in the sale, bookkeeping or any other aspect of the state lottery shall read the rules of the commission concerning retail licenses and be familiar with the rules. *[The licensee and each employee involved with the state lottery operation shall be required to sign a certificate that s/he is familiar with the rules of the commission and agrees not to violate the rules.]*

*AUTHORITY:* section 313.220, RSMo [Supp. 1988] Supp. 1999. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed Aug. 23, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 40—State Lottery  
Chapter 40—Retail Sales Licenses**

**PROPOSED AMENDMENT**

**12 CSR 40-40.250 Special Event Licenses.** The commission proposes to amend paragraph (1)(B)6.

*PURPOSE: The purpose of this proposed amendment is to change the information required for granting a special events license.*

(1) The executive director may authorize a limited retail sales license for special events if all of the following are met:

(B) The applicant provides the following in the application:

1. The name of the special event;
2. The dates and times of the special event;
3. The dates and times for which the license is requested;
4. The location at the special event where Missouri Lottery tickets or shares will be sold;
5. A description of the facility for selling Missouri Lottery tickets or shares;

6. *[A list of all owners, partners, officers, directors, ten percent (10%) or more stockholders and all persons who will be involved in the management or sale of the lottery tickets or shares;] The principal owner of a sole proprietorship, or the principal partner of a partnership, or the manager of the lottery account within a corporation, or the top two officers of a non-profit organization;*

*AUTHORITY: section 313.220, RSMo [Supp. 1997] Supp. 1999. Original rule filed May 5, 1986, effective May 15, 1986. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Amended: Filed Aug. 23, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 60—Payment of Prizes**

### **PROPOSED AMENDMENT**

**12 CSR 40-60.010 Prizes Other than Cash or Its Equivalent Authorized.** The commission proposes to amend section (1) and (2).

*PURPOSE: The purpose of this proposed amendment is to allow goods made in the United States and sold by a Missouri business to be used as lottery prizes.*

(1) The Missouri Lottery may award any of the following prizes: cash or its equivalent when such goods are made in the *[state of Missouri] United States and sold by a Missouri business.*

(2) For purposes of this rule the term “goods made in the *[state of Missouri] United States*” is defined as a good, product or service where no less than the final stages of production occur in *[Missouri] the United States* and which is purchased from *[a retail supplier incorporated and officed in Missouri] an individual, partnership, company or corporation licensed to do business in Missouri.*

*AUTHORITY: sections 313.220, RSMo Supp. 1999 and 313.270.1, RSMo 1994. Original rule filed Jan. 10, 1986, effective Jan. 20,*

*1986. Amended: Filed Aug. 11, 1995, effective April 30, 1996. Amended: Filed Aug. 23, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 60—Payment of Prizes**

### **PROPOSED AMENDMENT**

**12 CSR 40-60.030 Manner of Claiming Prizes from the Missouri Lottery.** The commission proposes to amend section (1).

*PURPOSE: The purpose of this proposed amendment is to define the prizes that require a claim form.*

(1) The claiming of any prize from the Missouri Lottery, *[as opposed to retail licensees,] which is subject to tax withholding or reporting requirements* shall be on claim forms designated by the director for this purpose.

*AUTHORITY: section 313.220, RSMo [1986] Supp. 1999. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed Aug. 23, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 4—Older Americans Act**

### **PROPOSED AMENDMENT**

**13 CSR 15-4.010 Definition of Terms.** The division is amending section (2), (11), (12), (14)–(16), (23)–(25), (28), (47) and (54); adding sections (26), (27), (37) and (41) and renumbering sections accordingly.

*PURPOSE: This amendment is necessary to clarify terminology, delete obsolete information, and add new definitions.*

(2) Act—The Older Americans Act of 1965, as amended through December 31, *[1988]* **1992**.

(11) Area Agency on Aging (AAA)—The agency designated by the division in a planning and service area to develop and administer a plan and administer available funds for a comprehensive and coordinated system of services for the elderly and *[handicapped adults/ persons with disabilities]* who require similar services.

(12) Area Agency on Aging governing body—The *[local]* policy-making board or oversight body which directs the actions of the AAA under **local**, state and federal laws and regulations.

(14) Assessment—The mechanism for *[monitoring and evaluating]* **determining need and eligibility** for programs and services.

(15) *[Collocation of services—Coordination and scheduling representatives of providers and other agencies and organizations to assure that, in addition to a center's usual services, all available services benefiting the elderly are accessible and convenient for recipients at the community focal point.]* Assistant secretary—The assistant secretary of the Department of Health and Human Services.

(16) *[Commissioner—The commissioner of the Administration on Aging.]* Collocation of services—Coordination and scheduling representatives of providers and other agencies and organizations to assure that, in addition to a center's usual services, all available services benefiting the elderly are accessible and convenient for recipients at the community focal point.

(23) *[Education and training services—Supportive services designed to broaden the knowledge and skills of older persons to cope more effectively with their economic, health and personal needs.]* Division—The Division of Aging within the Department of Social Services, the designated state unit on aging.

(24) *[Focal point—A facility established to encourage the maximum collocation and coordination of services for older individuals.]* Education and training services—Supportive services designed to broaden the knowledge and skills of older persons, their caregivers, advocates, and the professionals serving them to cope more effectively with their economic, health and personal needs.

(25) *[Handicapped adult—A person aged eighteen through fifty-nine (18–59) with a mental or physical condition that results in a functional impairment which significantly hampers daily living activities if the condition is reasonably expected to continue for an extended period of time.]* Focal point—A facility established to encourage the maximum collocation and coordination of services for older individuals.

(26) Greatest economic need—The need resulting from an income level at or below the poverty line.

(27) Greatest social need—The need caused by noneconomic factors, including physical and mental disabilities, language barriers, and cultural, social, or geographic isolation, including isolation caused by racial or ethnic status, which restrict the ability of an individual to perform normal daily tasks and/or threatens the capacity of the individual to live independently.

*[[26]]* (28) Health screening services—Services in which the service recipient's general health is reviewed, health education is provided, simple tests are provided or referral is made, if indicated.

*[[27]]* (29) Indirect costs—Those costs allocated to AAA grant awards based on a rate approved by the organization's cognizant federal agency.

*[[28]]* (30) Information and *[referral]* assistance source—A location where any public or private agency or organization—

(A) Maintains current information with respect to the opportunities and services available to older individuals; *[and]*

(B) Employs, where feasible, a specially trained staff to assess the needs and capacities of older individuals, to inform older individuals of the opportunities and services which are available and to assist those individuals with economic or social needs~~./;~~; and

(C) Utilizes, where feasible, electronic and/or computer database information sources in the provision of information and assistance services.

*[[29]]* (31) Legal assistance—Legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney). Legal assistance includes counseling or representation by a nonlawyer where permitted by law but does not include community education.

*[[30]]* (32) Local government—A political subdivision of the state, whose authority is general and not limited to only one (1) function or combination of related functions.

*[[31]]* (33) Local match—See match.

*[[32]]* (34) Long-term care (LTC) facility—Any facility as defined in section 198.006, RSMo.

*[[33]]* (35) Match—The equivalent cash value of third-party in-kind contributions or cash resources representing that portion of the costs of a grant-supported project or program not borne by the federal or state government.

*[[34]]* (36) Medicaid—Financial assistance for medical services provided under section 208.151, RSMo, in accordance with Title XIX, Public Law 89-97, 1965 amendments to the Social Security Act (42 U.S.C. 301).

(37) Monitoring—The review and evaluation of all AAA activities by the division, or of contractor activities by the AAA.

*[[35]]* (38) Net cost—The total allowable costs, less grant-related income, for the purpose of meeting match requirements.

*[[36]]* (39) Not-for-profit—An agency, institution or organization which is owned and operated by one (1) or more corporations or associations with no part of the net earnings benefiting any private shareholder or individual.

*[[37]]* (40) Ombudsman—An individual assigned by the division or the area agency to investigate and resolve complaints made by or on behalf of older individuals who are residents of LTC facilities relating to administrative action which may adversely affect the health, safety, welfare and rights of these residents.

(41) Person(s) with disabilities—Anyone who has a mental or physical impairment which substantially limits one or more of their major life activities; or has a record of such impairment; or is regarded as having such an impairment.

*[[38]]* (42) Planning and service area (PSA)—A geographic area of the state that is designated by the division for purposes of planning, developing, delivering, monitoring and administering services to older persons.

[(39)] (43) Policy—A principle established by a government, organization or an individual that guides decision-making and actions.

[(40)] (44) Preprint—The division's format for development and submission of the area agency plan or plan amendment.

[(41)] (45) Priority services—Those service categories of access, in-home and legal assistance.

[(42)] (46) Procedure—The established sequence of actions to be followed to accomplish a task or implement a policy.

[(43)] (47) Program—Any service funded under the approved area plan.

[(44)] (48) Program costs—Costs incurred by the area agency in managing and delivering a service.

[(45)] (49) Program evaluation—The review and determination of program effectiveness in meeting recipient needs.

[(46)] (50) Program monitoring—The review and determination of progress in meeting program objectives.

[(47)] (51) Protective services—Services provided by the division in response to the need for protection from harm or neglect to elderly persons **and persons with disabilities** under sections 660.250–660.295, RSMo.

[(48)] (52) Public hearing—An open hearing which provides an opportunity for older persons, the general public, officials of general purpose, local government and other interested parties to comment on a proposal.

[(49)] (53) Public match—See match.

[(50)] (54) Regional office—Department of Health and Human Services, Administration on Aging (AoA) office located in Kansas City, Missouri.

[(51)] (55) Renovating—See altering.

[(52)] (56) Request for proposal (RFP)—A formal invitation to prospective contractors to submit bids for procurement of a defined set of activities, services or goods.

[(53)] (57) Request for qualifications (RFQ)—A type of RFP which is a formal invitation to prospective providers to submit information suitable for determining eligibility as a qualified provider.

[(54)] (58) Rural areas—[Nonurbanized areas.] **Any town or city with a population of twenty-thousand (20,000) or less.**

[(55)] (59) SMSA (standard metropolitan statistical area)—One (1) or more central counties with an urbanized area of at least fifty thousand (50,000) populations.

[(56)] (60) SSBG—Social Services Block Grant.

[(57)] (61) Staff hour—An hour of staff time spent on any activity related to the service identified.

[(58)] (62) Standards—The minimum requirements to be met for the operation of programs and the delivery of services.

[(59)] (63) State plan—The document containing the division's priorities, goals, policy statements and objectives for enabling older persons to fulfill their potential for independent functioning.

[(60)] (64) Structural change—Any change to the load-bearing members of a building.

[(61)] (65) Target population—Individuals aged sixty (60) or over, with the greatest social and economic need, especially low income minority.

[(62)] (66) Technical assistance—Specific guidance and expertise provided by the division staff to the area agency or by the area agency staff to the service provider staff.

[(63)] (67) Transportation service—A vehicular service which facilitates access to other services.

[(64)] (68) Third-party in-kind contributions—Property or services which benefit grant-supported projects or programs and which, under the grant or subgrant, are contributed by nonfederal third parties without charge to the grantee, the subgrantee or a cost-type contractor.

[(65)] (69) Unit of general purpose local government—See local government.

[(66)] (70) Urbanized area—An incorporated place and adjacent densely settled surrounding area that together have a minimum population of fifty thousand (50,000).

[(67)] (71) USDA—United States Department of Agriculture.

[(68)] (72) Waiver—The granting of a deviation from portions of service standards, prohibition of direct service delivery or any other state regulation.

*AUTHORITY: section 660.050, RSMo [Supp. 1988] Supp. 1999. This rule was previously filed as 13 CSR 15-6.005. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed Nov. 14, 1991, effective March 9, 1992. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 4—Older Americans Act

#### PROPOSED AMENDMENT

**13 CSR 15-4.040 State Plan.** The division is amending section (2).

*PURPOSE: This amendment is necessary to correctly identify the leadership position within the Administration on Aging, and to clarify the role of the area agencies in development of the state plan.*

(2) The state plan is developed to cover a period of up to four (4) years, is reviewed by the governor and submitted to the [commissioner] assistant secretary. It is reviewed annually and updated as needed reflecting input and advice from older persons throughout the state[,] and from the AAAs.

**AUTHORITY:** section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.035. Original rule filed Jan. 6, 1986, effective April 30, 1986. Emergency amendment filed Oct. 16, 1991, effective Oct. 26, 1991, expired Feb. 13, 1992. Amended: Filed Oct. 16, 1991, effective Feb. 6, 1992. Amended: Filed Aug. 28, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 4—Older Americans Act**

#### **PROPOSED AMENDMENT**

**13 CSR 15-4.080 Withdrawal of Designation.** The division is amending the Purpose statement and sections (3) and (4).

**PURPOSE:** This amendment is necessary to correctly identify the leadership position within the Administration on Aging.

**PURPOSE:** This rule identifies the circumstances under which the division may withdraw designation of an area agency, notify the [commissioner] assistant secretary of the action and provide for continuity of services.

(3) Should the division withdraw designation of an area agency, the division will notify the [commissioner] assistant secretary in writing of its action, provide a plan for the continuity of services in the affected planning and service area (PSA) and designate a new area agency in the PSA in a timely manner.

(4) If necessary to ensure a continuity of services in a PSA, the division, for a period of up to one hundred eighty (180) calendar days, may perform the responsibilities of the area agency or assign the responsibility of the area agency to another agency in the PSA. The division may request an extension of an additional one hundred eighty (180) days from the [commissioner] assistant secretary if the need for the extension can be demonstrated.

**AUTHORITY:** section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.050. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 4—Older Americans Act**

#### **PROPOSED AMENDMENT**

**13 CSR 15-4.090 Appeal to the [Commissioner] Assistant Secretary.** The division is amending sections (1)–(3).

**PURPOSE:** This amendment is necessary to correctly identify the leadership position within the Administration on Aging.

(1) Any applicant for designation as a planning and service area (PSA) whose application has been denied by the division and who has requested and received a formal hearing at the state level shall be notified in writing of the right to appeal to the [commissioner on aging of the Administration on Aging] assistant secretary, Department of Health and Human Services. Written notification shall advise the applicant that a written appeal may be filed with the [commissioner] assistant secretary within thirty (30) calendar days of receipt of notification of the hearing decision.

(2) Upon request by the [commissioner] assistant secretary, the division shall submit the following information regarding an applicant who has filed an appeal:

(C) Any other relevant information the [commissioner] assistant secretary may require.

(3) Upon receipt of written notice of the date, time and location, the division director, or designated representative, or both, shall attend the [commissioner's] assistant secretary's hearing on the applicant's appeal.

**AUTHORITY:** section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.055. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 4—Older Americans Act**

#### **PROPOSED AMENDMENT**

**13 CSR 15-4.100 Area Agency Governing Body.** The division is amending the Purpose statement and sections (1), (2), (3), (5), and (6).

*PURPOSE: This amendment is necessary to accurately reflect the status of area agencies who are part of a larger organization and to clarify circumstances under which open meetings must be held.*

*PURPOSE: This rule requires each area agency to have a governing body and, **unless otherwise governed by local law, ordinance or charter**, specifies its composition, responsibilities and requirements.*

(1) Each area agency, **unless otherwise structured by local law, ordinance or charter**, shall have a governing body of adequate size and structure to operate efficiently and effectively.

(2) The area agency governing body shall maintain the ultimate authority and responsibility for administration of the approved area plan to provide services to the elderly within the designated planning and service area in accordance with all applicable federal, *[and]* state, **and local** laws and regulations and division policies and procedures.

*[(A) Officers of the governing body shall be elected by the full membership of the board.*

*[(B) No officer of the governing body shall serve in the same office for more than two (2) consecutive terms.*

*[(C) The composition, selection and purpose of standing committees shall be specified in the bylaws. Standing committees must report to the full governing board at least quarterly.]*

(3) The area agency governing body shall have written bylaws, **ordinances or charter** that define its membership, authority, responsibilities and procedures for operation. **Unless specified otherwise by local laws, ordinances or charter the governing body shall comply with the requirements below:**

(A) Officers of the governing body shall be elected by the full membership of the board;

(B) No officer of the governing body shall serve in the same office for more than two (2) consecutive terms;

(C) The composition, selection and purpose of standing committees shall be specified in the bylaws. Standing committees must report to the full governing board as directed by the agency's bylaws, but at least annually;

*[(A)] (D) Membership on the area agency governing body shall not be restricted to individuals from any specific race, creed, color, sex, religion, age, national origin, *[handicapped]* disability or veteran status. Elections procedures shall conform to 13 CSR 15-4.105;*

*[(B)] (E) All members of the area agency governing body shall serve three (3)-year staggered terms~~./~~, meaning one-third (1/3) of the membership is elected in year one (1), one-third (1/3) is elected in year two (2), and one-third (1/3) is elected in year three (3), then continue in the same manner; and*

*[(C)] (F) The area agency governing body shall not select, appoint or elect as a member, or ex officio member, any individual who is an owner, board member or employee of a service provider agency that has currently submitted a proposal to the area agency to receive funding to provide services or that is currently providing services under a grant, contract or stipend with the area agency.*

(5) Meetings of the governing body must follow *Robert's Rules of Order* and a parliamentarian shall be *[designed]* **designated** by the board.

(6) All meetings of the board shall be open to the public *[except for time spent on agenda items which include personnel actions, legal actions or litigation, real estate, transactions in which public knowledge may adversely affect consideration of those transactions, the development of contractual costs or other appropriate matters permitted by law.]* as

**required by section 610.010, RSMo, et seq. commonly referred to as the Sunshine Law.**

*AUTHORITY: section 660.050, RSMo [Supp. 1987] Supp. 1999. This rule was previously filed as 13 CSR 15-6.070. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 4—Older Americans Act

#### PROPOSED AMENDMENT

**13 CSR 15-4.105 Area Agency Election Procedures for Governing Body Membership.** The division is amending sections (1), (5), (6), (8) and (10).

*PURPOSE: This amendment will allow area agencies to use less costly methods of advertising and reduce the need for additional staffing and/or volunteers during necessary elections.*

(1) Solicitation for governing board nominees shall be *[advertised]* **publicized** locally *[in each]* **within the area** from which a governing body member will be elected. Nominations may be made by filing a statement of intent at a publicized location in each area or at a publicized open meeting held in the area.

(5) The time and location of the election shall be *[advertised]* **publicized** in community newspapers at least seven (7) days prior to the election and posted at a minimum in all area agency sponsored senior centers.

(6) Polling locations shall be open for voting *[from 7 a.m. until 4 p.m. at a minimum and shall be held in a handicapped accessible facility]* **at least six (6) consecutive hours, with provisions made for persons with special needs, including optional absentee voting.**

(8) A minimum of *[three (3)]* **two (2)** persons designated by the area agency shall be present to count votes unless a local county clerk agrees to count votes and certify the results.

(10) All ballots and affidavits shall be kept for a minimum of *[three (3) years.]* **twenty-two (22) months as required by section 1974 of Title 42 United States Code for federal elections, provided they have received final audit approval.**

*AUTHORITY: section 660.050, RSMo [Supp. 1987] Supp. 1999. Original rule filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

### Title 13—DEPARTMENT OF SOCIAL SERVICES

#### Division 15—Division of Aging Chapter 4—Older Americans Act

#### PROPOSED AMENDMENT

**13 CSR 15-4.135 Area Agency Director.** The division is amending the Purpose statement, sections (6) and (7) and adding section (8).

**PURPOSE:** This amendment provides clarification for area agencies who wish to promote current staff.

**PURPOSE:** This rule establishes and describes procedures each area agency shall follow in hiring a director[.] unless otherwise governed by merit system requirements established under local law, ordinance, or charter.

(6) The search committee will recommend to the full governing body a list of at least the top three (3) finalists based on applications, interviews and reference checks. **At the governing body's discretion, re-interviews of all candidates, including the top three (3) recommended by the search committee may take place.**

(7) The governing body shall [interview candidates recommended by] **review the recommendations of** the search committee and make the final decision.

**(8) If the desire is to promote an in-house person, the open search process may be conducted in a shorter time frame than might otherwise be required.**

**AUTHORITY:** section 660.050, RSMo [Supp. 1988] Supp. 1999. Original rule filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

### Title 13—DEPARTMENT OF SOCIAL SERVICES

#### Division 15—Division of Aging Chapter 4—Older Americans Act

#### PROPOSED AMENDMENT

**13 CSR 15-4.140 Area Agency Plan.** The division is amending section (3) and deleting section (5).

**PURPOSE:** This amendment is necessary to update current policy and clarify area agency responsibility for submission of area plans/amendments.

(3) The area plan shall be amended under the following situations:

[(D)] *The area agency adds or deletes area plan objectives or deviates by more than ten percent (10%) in any line item of any service budget from planned expenditures or service delivery;*

[(E)] *The area agency proposes to increase the annualized salaries of specific staff designated in the area plan;*

[(F)] **(D)** Receipt by [an] area agency staff or board members of compensation or other items of value above their salaries or the normal fringe benefits available to all staff; and

[(G)] **(E)** The area agency takes any action for which prior division approval is required by state regulation, [and] divisional policy[.], **or preprint instructions.**

[(5)] *The area plan shall include the area agency's written grievance procedures with each annual plan submission (see 13 CSR 15-4.210 Area Agency Grievance Procedures).]*

**AUTHORITY:** section 660.050, RSMo [Supp. 1988] Supp. 1999. This rule was previously filed as 13 CSR 15-6.095. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

### Title 13—DEPARTMENT OF SOCIAL SERVICES

#### Division 15—Division of Aging Chapter 4—Older Americans Act

#### PROPOSED AMENDMENT

**13 CSR 15-4.150 Waivers.** The division is amending section (3).

**PURPOSE:** This amendment will extend the length of time for which a waiver may be approved.

(3) A waiver may be approved for *[a maximum period of one (1) year. All waivers expire at the end of the state fiscal year and a new waiver request must be submitted at that time.]* **the life of the plan, not to exceed four (4) years.**

**AUTHORITY:** section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.100. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.



*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 15—Division of Aging  
Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**13 CSR 15-4.160 Review, Submission and Approval of Area Agency Area Plans and Plan Amendments.** The division is amending sections (1) and (4).

*PURPOSE: This amendment is necessary to meet federal guidelines and to clarify current division policy.*

(1) **Where not covered by charter or established governmental procedures the following shall apply.** The area agency shall submit the area plan *[or]* **and** any plan amendments for review and *[comment to]* **approval by** the area agency's governing body *[and advisory council(s)]*. The area agency shall obtain signed documentation stating that the area plan *[has]* **and annual updates have** been approved by the governing body *[and council(s)]*. **The area agency shall also submit the area plan and annual updates to their advisory council for review and comment prior to transmittal to the state unit on aging as required by 45 CFR 1321.57.** The area agency shall comply with the Missouri state and local review process.

(4) The division will notify the area agency, in writing, within *[seven (7) calendar]* **fifteen (15) business days of receipt at division offices** of making a determination that it finds *[that]* any provision of the area plan or any plan amendment is not approvable and that the division proposes to disapprove the area plan or amendment. Written notification shall include the following:

*AUTHORITY: section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.110. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 15—Division of Aging  
Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**13 CSR 15-4.170 Area Agency Fiscal Management.** The division is amending sections (6), (7), and (11), deleting section (8)

and renumbering sections accordingly and removing forms following this rule in the *Code of State Regulations*.

*PURPOSE: This amendment is necessary to clarify area agency fiscal requirements and update the timeline for submission of area agency audits.*

(6) Nonfederal matching requirements shall be met by the area agency on the aggregate net cost of social and nutrition services and administration under Title III. Further requirements are as follows:

(A) The nonfederal match shall be in the form of allowable costs of third-party in-kind contributions **or qualifying cash**;

(7) The area agency shall have an organization-wide audit completed by an independent certified public accountant at least every two (2) years (covering the previous two (2)-year period); however, yearly audits are recommended. Further requirements are as follows:

(A) Audits shall be completed and submitted to the division no later than *[ninety (90)]* **one hundred twenty (120)** calendar days after the close of the agency's fiscal year;

(C) The criteria to be followed in auditing an area agency shall be for—

1. Governmental agencies, Office of Management and Budget (OMB) Circular *[A-128]* **A-133** shall apply for fiscal years beginning after December 31, 1984; and

2. All other agencies, the audit provisions in OMB Circular A-110, Attachment F shall apply; and

*[[8] The area agency shall not request information or data from providers which is not pertinent to services furnished pursuant to a payment made for those services.]*

*[[9]]* (8) The area agency shall not delegate authority to award or administer funds under Title III to other agencies. The exception may be for transportation agreements with agencies which administer programs under the Rehabilitation Act of 1973 and Titles XIX and XX of the Social Security Act to meet the common need for transportation of service recipients under the separate programs.

*[[10]]* (9) Unexpended Title III B, III C-1, III C-2 funds and administrative allotments for which there are no legal obligations shall not exceed fifteen percent (15%) of each subpart's total allotment at the end of each fiscal year.

*[[11]]* (10) Program income shall be—

(A) Earned gross income by an area agency from activities, part or all of the cost of which is either borne as a direct cost by a grant or counted as a direct cost toward meeting a cost-sharing or matching requirement of a grant. It includes, but is not limited to, income in the form of fees for services performed during the grant or subgrant period, proceeds from sale of tangible personal or real property, usage or rental fees and patent or copyright royalties. If income meets this definition, it shall be considered program income regardless of the method used to calculate the amount paid to the area agency;

(B) Used to expand *[supportive and nutrition]* services for the elderly in the program from which it was earned;

(C) Expended in the current fiscal year or following fiscal year; and

(D) Documented as to the program under which income was earned and expended.

*[[12]]* (11) The area agency shall submit fiscal reports to the division on an accrual accounting basis. If the area agency's fiscal records show effective control and accountability, the agency may develop the reports through available documentation. The area agency may estimate outlays in instances where—

(A) There is adequate documentation on which to develop a sound and reasonable estimate of outlays; and

(B) The area agency is unable to obtain actual data in time to meet reporting deadlines.

**[[13]] (12)** The area agency shall follow Title 45 CFR part 74 Administration of Grants except where inconsistent with federal statutes, regulations or other terms of a grant or when either the language of the provision itself or other text in the same subpart indicates the provision affects service provider agencies (sub-grantees) and use of the term—

(A) Recipient shall be taken as referring to area agencies (sub-grantees); and

(B) Awarding party shall be taken as referring to the division (granting agency).

**[[14]] (13)** The area agency shall meet requirements concerning advancements, reimbursements or interest earned on federal funds as follows:

(A) Use methods and procedures to minimize the time lapse between the transfer of funds and disbursement;

(B) Not request reimbursement for the federal share of amounts withheld from contractors to ensure satisfactory completion of work until it makes those payments;

(C) Expend interest earned on federal funds for allowable costs in the fiscal year in which it was earned;

(D) Expend interest earned on federal funds for allowable costs of the funds which earned the interest;

(E) Budget and report interest earned on federal funds, distinguishing the interest from the fund which earned the interest; and

(F) Maintain documentation of compliance.

**[[15]] (14)** The area agency shall submit monthly invoices for reimbursement of expenditures to the division within fifteen (15) days after the close of each fiscal month on forms prescribed by the division.

**[[16]] (15)** The area agency shall meet the division's reporting requirements for quarterly and final financial reports as follows:

(A) Submit quarterly financial and program reports with the appropriate invoice;

(B) Submit a final financial report to the division within ninety (90) days after the fiscal year of the grant ending;

(C) Submit financial reports on the forms prescribed by the division; and

(D) Be subject to the withholding of payments for failure to comply with reporting requirements, until such time as reports are received.

**[[17]] (16)** Any cost allocation plans and indirect costs rates shall be determined in accordance with the following guidelines:

(A) For governments, OMB Circular A-87, including any amendments to the circular published by the United States OMB;

(B) For institutions of higher education, OMB Circular A-21 and as published in the *Federal Register* by OMB; and

(C) For other nonprofit organizations, OMB Circular A-122.

**[[18]] (17)** In order to minimize a loss of funds in the event of bank insolvency, the area agency shall not deposit contributions and federal grant funds in any one (1) bank in an amount that exceeds that bank's maximum insured amount by the Federal Deposit Insurance Corporation (FDIC). The total deposits in one (1) bank, regardless of the number of separate accounts, shall not exceed the maximum amount insured by the FDIC. An acceptable alternative is to request the bank to pledge securities to the area agency. These securities shall act as insurance for excessive cash balances. Documentation of compliance shall be maintained by the area agency.

**[[19]] (18)** Contributions shall be handled according to procedures as required for service providers in 13 CSR 15-7.010(13).

*AUTHORITY: section 660.050, RSMo [Supp. 1987] Supp. 1999. This rule was previously filed as 13 CSR 15-6.200. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 4—Older Americans Act**

#### **PROPOSED AMENDMENT**

**13 CSR 15-4.175 Funding Acquisition or Construction of Multipurpose Senior Centers.** The division is amending section (14).

*PURPOSE: This amendment is necessary to clarify the area agency's responsibility to maintain an inventory listing and submit it to the division upon request.*

(14) The area agency must *[submit a copy of the December 31] maintain an annual* inventory listing *[with the agency's annual area plan or area plan update]* and provide a copy to the division upon request.

*AUTHORITY: section 660.050, RSMo [Supp. 1988] Supp. 1999. Original rule filed Feb. 11, 1992, effective June 25, 1992. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 4—Older Americans Act**

#### **PROPOSED AMENDMENT**

**13 CSR 15-4.190 Area Agency Development of a Comprehensive and Coordinated Service Delivery System.** The division is amending sections (1), (5) and (11).

*PURPOSE: This amendment is necessary to reflect current terminology for programs and services provided by area agencies.*

(1) The area agency continuously shall work toward development of a comprehensive coordinated community-based system that shall facilitate access to and utilization of all supportive and nutritional services provided by any source within the planning and service area (PSA). Components of this system may include:

(A) Services which facilitate access, such as transportation, outreach, information and *[referral, escort, individual assessment]* assistance, and *[service]* case management;

(B) Services provided in the community, such as congregate meals, continuing education, health and nutrition/*all* education, health screening, legal assistance, program development and coordination activities, advocacy, information and *[referral, individual needs assessment and service]* assistance, case management, casework, counseling and assistance (concerning taxes, financial problems, *[welfare]* public benefits, the use of facilities and services, preretirement or second career), adult day health care, protective services, services designed for the unique needs of *[the disabled]* persons with disabilities, emergency services, disaster relief services, *[residential]* minor home repair, *[and renovation,]* physical fitness and recreation, services *[in]* to help/*ing to]* obtain adequate housing and alteration, renovation, acquisition and construction of facilities to be used as multipurpose senior centers;

(C) Services provided in the home, such as home health services, homemaker services, *[home-health aide]* personal care services, legal assistance, *[preadmission screening,]* respite, case *[work]* management, counseling, chore, *[maintenance,]* visiting, shopping assistance, *[readers,]* reading/letter-writing, telephone reassurance, home-delivered meals and nutrition/*all* education; and

(D) Services provided to residents of care-providing facilities, such as case/*work,]* management, counseling, placement and relocation assistance, group services, legal assistance, complaint and grievance resolution and visiting. Care-providing facilities include long-term facilities, emergency shelters and other congregate living arrangements.

(5) The area agency shall develop and publish the methods that are used to establish priorities for services, particularly—

(A) Services associated with access to other services. These services *[are]* include transportation, outreach, *[and]* information and *[referral]* assistance, and case management;

(B) In-home services. These services *[are]* include homemaker, *[and home-health]* personal care aide, visiting and telephone reassurance, chore, *[maintenance]* and supportive services for families of elderly victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type; and

(11) The area agency shall assure that the elderly residing in the PSA have reasonably convenient access to information and *[referral]* assistance systems.

*AUTHORITY: section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.120. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the*

*Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 15—Division of Aging  
Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**13 CSR 15-4.200 Area Agency Subgrants or Contracts.** The division is amending sections (3) and (4).

*PURPOSE: This amendment is necessary to clarify federal requirements related to procurement procedures followed by area agencies.*

(3) The area agency shall submit, for the division's prior approval, any proposed contracts with profit-making organizations for the provision of services under the area plan as required by section 212 of the Act. The area agency is not required to submit to the division for prior review or approval any proposed subgrants or contracts with public or private nonprofit agencies or organizations.

(A) In addition to complying with all applicable federal procurement practices, all purchases shall be based on competitive bids, except that the area agency may make purchases of less than two thousand dollars (\$2,000) in value on the open market. On any purchase estimated at ten thousand dollars (\$10,000) or more the agency shall advertise for bids in at least two (2) newspapers of general circulation in such places as are most likely to reach prospective bidders at least fourteen (14) days before bids are to be opened. The agency shall also solicit bids by mail from at least three (3) prospective suppliers on purchases of ten thousand dollars (\$10,000) or more. For purchases of more than two thousand dollars (\$2,000) but less than ten thousand dollars (\$10,000) bids must be solicited and documented, but advertising or direct mailings are not required.

(B) The agency may waive the requirement of competitive bids for the purchase of food items when special temporary market conditions exist and the food items can be purchased for at least ten percent (10%) less than the most current bid price for the same food items.

(4) The area agency shall use subgrants or contracts with service providers to provide all services under *[Title III]* all OAA funding sources. For waiver of this requirement, the area agency shall submit a written request that thoroughly documents that direct provision of service, using its own employees, is necessary—

*AUTHORITY: section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.125. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 15—Division of Aging**  
**Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**13 CSR 15-4.230 Multipurpose Senior Center.** The division is amending section (3).

*PURPOSE:* This amendment corrects information related to persons served by a multipurpose senior center.

(3) The area agency shall assure the following general requirements will be met prior to awarding funds for a multipurpose senior center:

(B) It operates a program of group activities, individual services and community service opportunities in each of the following categories:

1. Access services;
2. Community services, including advocacy-related services;
3. Services for frail, [and] vulnerable, and at risk [and institutionalized] elderly; and
4. Nutrition services.

*AUTHORITY:* section 660.050, RSMo [Supp. 1988] Supp. 1999. This rule was previously filed as 13 CSR 15-6.140. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed Aug. 28, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 15—Division of Aging**  
**Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**13 CSR 15-4.270 Legal Assistance.** The division is amending section (8).

*PURPOSE:* This amendment is necessary to correctly identify the appropriate federal regulation.

(8) Providers shall adopt procedures and forms to document that the legislative and administrative activities in which they engage fall within the activities permitted in [Section 1321.73(j), of the Act] **45 CFR part 1321.71**. Documentation shall include:

*AUTHORITY:* section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.180. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.

*PUBLIC COST:* This proposed amendment will cost state agencies and political subdivisions less than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities less than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 15—Division of Aging**  
**Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**13 CSR 15-4.290 Information and [Referral] Assistance.** The division is amending the title, Purpose statement and sections (1) and (2).

*PURPOSE:* This amendment is necessary to comply with federal program title designations.

*PURPOSE:* This rule requires the area agency to provide information and [referral] assistance services and describes the requirements for operating [information and referral services] the program.

(1) The area agency shall provide information and [referral] assistance services sufficient to ensure that all elderly persons within the planning and service area have reasonably convenient access to information about the services available within their geographic region.

(2) The area agency shall comply with divisional standards for information and [referral] assistance services (see 13 CSR 15-7.050).

*AUTHORITY:* section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.190. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 15—Division of Aging**  
**Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**13 CSR 15-4.300 [Recordkeeping] Record Keeping and Confidentiality.** The division is amending section (2).

*PURPOSE: This amendment is necessary to delete obsolete information and to clarify the circumstances under which client information may be released.*

(2) The division, area agencies and service providers shall maintain the confidentiality of records as follows:

[(C)] *All persons who sign an application or a sign-in sheet shall be made aware that their signature means their consent is given for the use of identifying information for administrative purposes, program monitoring and evaluation;*

[(D)] (C) Lists of names of older persons shall be used for the purpose of providing services and shall not be distributed, released or used for any other reason;

[(E)] (D) Records that [identify individual recipients shall not be made available to any other person, agency or organization unless the service recipient or legal representative has signed a written consent for release of information which] contain confidential client information shall be released only for purposes of program monitoring by an authorized federal, state, or local monitoring agency, unless—

1. [Identifies the individual, agency or organization to whom the information is to be released;] The service recipient or their legal representative has given informed consent prior to the release of that information;

2. [Indicates specifically what information is to be released; and] The signed release indicates to whom the information will be given;

3. [Specifies the date (inclusive) for which the written consent is valid; and] Indicates the specific information to be released; and

4. Specifies the inclusive dates for which the written consent is valid.

*AUTHORITY: section 660.050, RSMo [1986] Supp. 1999. This rule was previously filed as 13 CSR 15-6.015. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 4—Older Americans Act**

#### **PROPOSED AMENDMENT**

**13 CSR 15-4.310 Corporate Eldercare.** The division is amending section (1).

*PURPOSE: This amendment changes program title information to agree with federal guidelines.*

(1) As used in this rule, the term corporate eldercare refers to those services provided, either directly or through a third party, by a corporation or other business organization on behalf of its employees who have caregiver responsibilities for an elderly [rel-

atives] person. These services include, but are not necessarily limited to, information and [referral] assistance services. Any contact between a corporation or business organization and an area agency or its subsidiary to provide those services, is subject to the provisions of this rule.

*AUTHORITY: section 660.050, RSMo [Supp. 1988] Supp. 1999. Original rule filed June 16, 1992, effective Jan. 15, 1993. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 15—Division of Aging Chapter 7—Service Standards**

#### **PROPOSED AMENDMENT**

**13 CSR 15-7.010 General Requirements for All Service Providers.** The division is amending sections (9), (14) and (15) and removing forms following this rule in the *Code of State Regulations*.

*PURPOSE: This amendment will clarify the educational activities included in public information programs, update information related to physical accommodations for persons with disabilities to meet federal guidelines, and clarify the guidelines for reporting and maintaining information related to cash receipts at senior centers.*

(9) Service providers shall provide the following:

(A) Public information and education activities to ensure that older persons are informed of the services available and have maximum opportunity for participation;

(14) Service providers shall implement [P.L. 93-112, Section 504, nondiscrimination on basis of handicap, as well as the following specific requirements:] the provisions of the Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination against people with disabilities, to include:

(A) [Handicapped service recipients shall receive the same services provided to any other citizen except where their particular handicap prevents them from participating in an activity;] Operation of programs, services, and activities in such a manner as to be readily accessible to and usable by persons with disabilities;

(B) [Any facility being considered for use as a center for delivery of alternative services shall be barrier-free and meet the requirements as set by the American Standards Institute;] Senior centers are considered places of public accommodation and must therefore comply with the ADA. The responsibility to remove barriers in existing buildings is an ongoing process and area agencies should use the following priorities as a guide to increase accessibility: 1) access to the facility; 2) access to the area in which goods and services are available; 3) access to restroom facilities; and 4) removing any remaining barriers. Area agencies offering services in buildings

where barrier removal is not readily achievable must develop a written implementation plan designed to achieve compliance, as well as a written policy outlining alternative methods to provide services during the interim. All renovations, alterations or new construction must ensure compliance with ADA requirements by using the ADA Standards for Accessible Design published in Appendix A to the Department of Justice Title III regulations, 28 CFR part 36; and

(C) *[If an existing service delivery facility is not barrier-free and cannot be structurally changed to meet barrier-free requirements, services provided at this location shall be provided to handicapped persons in their own home or in another accessible location; and] Reasonable accommodation shall be made in policies, practices, and procedures to allow participation of persons with disabilities. To the greatest extent possible, services should be provided in an integrated setting; however, when barriers cannot be removed, alternative methods of providing the services, programs, and activities must be offered.*

*[(D) Transportation to barrier-free centers shall be provided if needed. Service recipients shall not be transported (embarking to disembarking) more than thirty (30) minutes' travel time or twenty-five (25) miles in distance in order to reach an accessible center.]*

(15) Procedures for handling contributions shall be developed and implemented that include the following:

(C) *[Appropriate measures to safeguard and account for contributions shall be established which include, at a minimum, the following:] Establish a system of internal control that ensures all contributions received are fully and accurately recorded, deposited, accounted for, and reported to the area agency:*

1. Collecting contributions in a locked box at senior centers;
2. Using two (2) persons when accessing contributions or to count receipts;
3. Keeping receipts in a *[safe]* secure area or locked box until deposited;
4. Recording *[and depositing]* all contributions on the date of receipt;
5. Taking precautions to prevent theft of cash receipts;
6. Reporting contributions receipts to the area agency at least monthly; and
7. Avoiding an accumulation of a large balance of income on hand;

**AUTHORITY:** section 660.050, RSMo [1994] Supp. 1999. This rule was previously filed as 13 CSR 15-6.135. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed Aug. 28, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 15—Division of Aging

#### Chapter 7—Service Standards

### PROPOSED AMENDMENT

**13 CSR 15-7.040 Transportation Service Standards.** The division is amending the Purpose statement and sections (2)–(11), deleting section (1) and adding a new section (2).

**PURPOSE:** *This amendment would revise outdated terminology and update many areas with current business practices.*

**PURPOSE:** *This rule sets forth the minimum standards to be met by a transportation service provider receiving state or federal funds for the operation of transportation services for persons aged sixty and over and [handicapped adults] persons with disabilities aged eighteen through fifty-nine [and applies to all transportation service delivery systems, both direct and indirect].*

*[(1) A unit of transportation service is one (1) trip, one (1) way, per individual service recipient.]*

*[(2)](1) The transportation service provider shall meet the following requirements:*

(A) Have sufficient phones and personnel to *[efficiently]* handle calls regarding the service;

(B) Develop and operate an efficient system for scheduling trips to assure that the service is dependable and no passenger is left stranded;

(C) *[Position vehicles so that mileage accumulated and time in operation without passengers is minimized;] Service will be provided for the duration of a contract period or as agreed upon by the AAA and service provider; and*

*[(D) Coordinate with other service providers within the planning and service area for the purpose of delivering the most efficient, cost-effective service;*

*[(E) Make no interruption or alteration of more than fourteen (14) calendar days' duration in administration, policy, frequency of service or types of service as agreed upon between the area agency and the transportation service provider; and]*

*[(F)] (D) Have a program manual available to all employees and volunteers detailing its operational policies, procedures and general requirements applicable to service provision.*

*[(3) Individual personnel files shall be maintained for each driver who is employed full- or part-time on a salary, hourly or commission basis and for each volunteer or partially paid volunteer, who is scheduled to contribute or actually does contribute, more than twenty (20) hours within any five (5) consecutive days or forty (40) hours within a calendar month. The individual personnel file shall contain:]*

(2) A driver is any individual engaged in the operation of a motor vehicle providing transportation services to persons over age 60 and/or disabled between the ages of 18 and 59; and whose sponsoring agency and/or employer is a recipient of funding through the Division of Aging and/or an area agency on aging. Documentation shall be maintained by the service provider, on each driver, that includes:

(A) The driver's health record. Documentation, signed by the driver, that no physical or health limitation exists that prevents competent operation of the motor vehicle or ability to assist any service recipient in and out of the vehicle who requires or requests it;

(B) Either a current and valid common carrier or livery permit issued by regulatory entities such as the Missouri

Department of Economic Development, Division of Transportation, or local municipal taxi/livery ordinances attesting to the driver's qualifications to transport persons. Or, in lieu of a license or permit issued by a cognizant regulatory body, *[7]the driver's driving record showing that the driver has had no driving while intoxicated or under the influence of a controlled substance conviction within three (3) years prior to driving for the transportation service provider and that the driver has not had driver/chauffeur's license revoked within three (3) years prior to driving for the provider;*

(C) A copy of the driver's valid and current chauffeur's license; and

(D) Documentation of the driver's participation in orientation and in-service training.

*[(4)](3) Orientation and In-Service Training.*

(A) Prior to actual transport of service recipients, each driver *[who is employed full- or part-time on a salary, hourly or commission basis and each volunteer or partially paid volunteer who is scheduled to contribute or actually does contribute more than twenty (20) hours within any five (5) consecutive days or forty (40) hours within a calendar month]* shall have completed the transportation service providers orientation training. Any volunteer who even occasionally transports *[(except those utilized in an emergency)]* shall have received at least a brief orientation *[on how to handle emergencies and shall be given written instructions on how to handle a problem situation].*

(B) Orientation shall include the following:

1. Transportation service provider policies and procedures;
2. Characteristics of the aging process and major disabling conditions;
3. Use of common assistive devices by elderly and handicapped persons;
4. Methods of handling wheelchairs;
5. Methods of moving, lifting and transferring *[handicapped]* passengers **with mobility limitations or who use assistive devices;**
6. Operation of lifts, ramps and wheelchair securement devices if the vehicle to be operated is equipped with them;
7. Use of a fire extinguisher;
8. Methods of keeping accurate and accountable records or reports, or both;
9. Written instructions on proper actions to be taken in problem situations (for example, emergency situations, passenger problems and vehicle breakdowns); and
10. Successful completion of an in-service training course in first aid or emergency care that included at least:
  - A. Basic first aid;
  - B. Cardiopulmonary resuscitation;
  - C. Heimlich maneuver; *[and]*
  - D. Guidelines on when to attempt first aid or when to take alternative action*./;* and
  - E. **Instruction on universal precautions regarding handling body fluids, including how to use a blood-borne pathogen kit.**

(C) The transportation service provider should require drivers to participate in a defensive driving training program.

(D) Other personnel, such as schedulers and dispatchers, should receive training appropriate to their job functions.

*[(5)](4) Fiscal and Program Records.*

(A) Fiscal and program records shall be submitted to the contracting agency on a timely and proper basis.

(B) The service provider shall maintain time records that document the number of hours worked per week for each employee and volunteer.

*(C) [Service recipients' signatures shall be obtained as documentation of the recipients' use of the service provider's transportation system.] Documentation verifying the recipient's use of the service provider's transportation system shall be maintained.*

(D) The transportation service provider shall have a method, approved by the contracting agency, for documenting units of service delivered and obtaining an unduplicated count of individual service recipients.

*[(6)](5) [Individual vehicle files for each provider-owned or leased vehicle] Files and records regarding vehicles and/or vehicular fleets shall be kept by the provider that **should** contain the following documentation:*

(A) Vehicle ownership or lease agreement;

(B) Current vehicle license;

(C) Current vehicle *[annual]* safety inspection **as required by state law;**

(D) Vehicle maintenance schedule including the date of each service, repair and replacement; and

(E) That transportation service provider-owned or leased vehicle is properly insured.

*[(7)](6) [Each] Any driver, [volunteer or partially paid volunteer] using personally-owned vehicles to transport service recipients shall maintain proper vehicle insurance and shall sign an agreement indicating understanding and acceptance of liability.*

*[(8)](7) Vehicles shall meet the following requirements:*

(A) All vehicles shall be legally licensed;

(B) All vehicles shall receive *a[n annual]* vehicle safety inspection, **as required by state law**, shall be clean and in good repair *[and shall be maintained in accordance with the manufacturer's recommended maintenance schedule or an approved schedule based on actual vehicle operating conditions];*

(C) **All** *[V]*vehicles *[with a passenger capacity greater than seven (7)]* shall carry the following safety equipment:

1. Extra electrical fuses;

2. Fire extinguisher, *[two and one-half pounds (2 1/2 lbs.)]* ABC type;

3. Three (3) reflective orange triangles or similar emergency warning devices;

4. Spare tire and jack **unless they are radio/phone equipped and able to summon assistance;**

5. Flashlight;

6. Ice scraper; *[and]*

7. Emergency first-aid kit; **and**

**8. Blood-borne pathogen kit;**

(D) *[Vehicles with a passenger capacity of seven (7) or less shall carry a spare tire and a jack unless they are radio-equipped and able to summon assistance. They should also carry the items listed in subsection (7)(C);]* **All vehicles shall have for each passenger an available seat that is securely fastened to the floor of the vehicle. Cars and vans shall have a useable seat belt, include seat belt extenders as needed, for each person being transported;**

*[(E) All vehicles shall be properly equipped with radial tires, snow tires, all-weather tires or chains during icy and snowy weather;*

*(F) All vehicles shall have for each passenger an available seat that is securely fastened to the floor of the vehicle. Cars and vans shall have a useable seat belt for each person being transported;*

*(G) Vehicles shall not exceed the stated gross vehicle weight rating;*

*(H) Protected overnight housing of vehicles should be considered by the transportation provider as part of their maintenance program;]*

*[(I)](E)* All vans and buses shall have accessible emergency exit(s) with appropriate emergency procedures posted in compliance with Federal Motor Vehicle Safety Standard No. 217; and

*[(J)](F)* All vans and buses shall have a stationary or removable step to aid entry and exit of the vehicle. This step shall be capable of safely supporting three hundred pounds (300 lbs.); shall be placed that it is no more than twelve inches (12") above ground level; and shall have a nonskid top surface no less than eight inches by twelve inches (8" × 12"). Removable steps shall be properly secured while the vehicle is in motion.

*[(9)](8)* Vehicle requirements transporting an individual remaining in a wheelchair are as follows:

(A) Wheelchair safety locks shall be available and used when a wheelchair is in use during transport if a vehicle is ramp/lift/-/ equipped;

(B) All wheelchair lifts used on vehicles shall be certified as being capable of regularly servicing a minimum capacity of six hundred pounds (600 lbs.); and

(C) All wheelchair ramps used on vehicles shall be certified as being capable of regularly servicing a minimum capacity of four hundred pounds (400 lbs.).

*[(10)](9)* Drivers shall observe the following *[sty/ safety]* precautions:

(A) Assure that all passengers are seated before vehicle is put into motion;

(B) Encourage passengers to use seat belts;

(C) Not allow firearms, alcoholic beverages in opened containers, unauthorized controlled substances or highly combustible materials to be transported in vehicle;

(D) Allow *[guide dogs/ service animals]* in the vehicle, as needed; however, other animals shall not be allowed;

(E) Assure that all packages are safely stored before putting the vehicle in motion;

(F) Assist each passenger to enter and exit the vehicle **as needed**;

*[(G) Provide documentation that a designated escort is available persons needing mobility assistance;*

*(H) Use an escort to assist wheelchair bound persons over barriers or up and down more than one (1) step;]*

*[(I)](G)* Assure that passengers enter and exit the vehicle in unobstructed and safe locations;

*[(J)](H)* Observe all posted speed limits and modify driving according to weather hazards;

*[(K)](I)* Not use alcohol prior to or while driving; *[and]*

*[(L)](J)* Not use any prescribed or patent medication that may impair driving ability prior **to** or while driving~~/.~~; **and**

**(K) Not smoke during transport of riders.**

*[(11)](10)* Drivers are authorized to deny transportation to a service recipient attempting **to** board the vehicle who, in the judgement of the driver—

(A) Is intoxicated;

(B) Is too ill or *[handicapped to be transported safely]* experiencing an emergency health episode;

(C) **Has a mobility limitation that prevents safe entry or exit from the vehicle even with reasonable human or mechanical assistance;**

*[(C)](D)* Demonstrates violent or unruly behavior; or

*[(D)](E)* Insists on transporting prohibited items.

*[(12)](11)* Drivers shall report incidents of denial of transportation to the transportation service provider. Written documentation of incident shall be maintained.

*[(13)](12)* Without **written** approval of the contracting agency, the transportation service provider shall not suspend service to a passenger for more than five (5) consecutive days due to problems with the service recipient *[or because an escort is not available]*.

*[(14)](13)* The transportation service provider shall submit to the contracting agency a written request **to** suspend service indefinitely to any service recipient who, in the provider's judgement, exhibits behavior—

(A) That is contrary to these standards; or

(B) Which has been and continues to be hazardous to the safety of self or others.

**AUTHORITY:** *section 660.050, RSMo [1994] Supp. 1999. This rule was previously filed as 13 CSR 15-6.165. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 15—Division of Aging

### Chapter 7—Service Standards

## PROPOSED AMENDMENT

**13 CSR 15-7.050 Information and [Referral] Assistance Service Standards.** The division is amending the title, Purpose statement and sections (1)–(6) and deleting forms that follow this rule in the *Code of State Regulations*.

**PURPOSE:** *This amendment is necessary to clarify current policy regarding units of service for Information and Assistance and to reflect the program title required by federal guidelines.*

**PURPOSE:** *This rule sets forth minimum standards for information and [referral] assistance service providers to assure that all older people within a planning and service area have reasonable access to services.*

(1) A unit of service *[shall consist of either one (1)—]* **is one contact.**

(A) *[Contact with an inquirer with information provided; or]* **A contact is an individual encounter with a client or their advocate.**

(B) *[Referral with follow-up contact made.]* **A contact may be a simple, one-time inquiry, or one which requires follow-up. Contact may be by phone, in person or in writing, or by electronic means such as fax or E-mail.**

(2) The service provider shall—

(C) Establish liaison with other information and *[referral]* **assistance** programs including services available through the Social Security Administration;



(F) Utilize staff specially trained to inform the elderly **or their advocates** of the opportunities and services available;

[(H)] (G) Develop a plan to provide services in the language spoken by the target population, if other than English; and

[(I)] (H) Establish a plan for the follow-up of referrals.

(3) Additional services may include advocacy, case management, [or] public information **and education**.

(4) The information and [referral] **assistance** staff shall be composed of competent, ethical, qualified individuals, paid or volunteer, sufficient in number to carry out administrative and service responsibilities. Service responsibilities shall include:

(D) Conducting public information **and education** activities; and

(5) Training shall be provided to all information and [referral] **assistance** staff, paid and volunteer, to ensure adequate delivery of information and [referral] **assistance** services. Training shall consist of the following components:

(A) Preservice orientations and training which should include:

1. The role, purpose and function of the information and [referral] **assistance** service;

2. Skills training in the areas of interviewing techniques, attitudes, listening, communications, proper telephone usage, assessment techniques, information and [referral] **assistance** procedures, follow-up, data reading, maintenance of records, use of resource file; and

3. Recognizing abuse/neglect and exploitation of the elderly, the requirements and limitations of section 660.250, RSMo and procedures for reporting to the division's hotline;

(6) Information and [referral] **assistance** service staff shall maintain an accurate resource file which shall be updated periodically by—

*AUTHORITY: section 660.050, RSMo [1994] Supp. 1999. This rule was previously filed as 13 CSR 15-6.191. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 40—Division of Family Services**  
**Chapter 19—Energy Assistance**

**PROPOSED AMENDMENT**

**13 CSR 40-19.020 Low Income Home Energy Assistance Program.** The Division of Family Services proposes to amend section (3) to reflect changes made in income levels based on federal poverty guidelines.

*PURPOSE: This amendment is being made to adjust the monthly income amounts on the LIHEAP Income Ranges Chart.*

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of a LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

*[LIHEAP INCOME RANGES CHART**Monthly Income Amounts*

| <i>Household Size</i> | <i>Income Range</i> | <i>Income Range</i> | <i>Income Range</i> | <i>Income Range</i> | <i>Income Range</i> |
|-----------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| 1                     | \$0-172             | \$173-344           | \$345-516           | \$517-688           | \$689-858           |
| 2                     | \$0-230             | \$231-460           | \$461-690           | \$691-920           | \$921-1,152         |
| 3                     | \$0-266             | \$267-532           | \$533-798           | \$799-1,064         | \$1,065-1,330       |
| 4                     | \$0-320             | \$321-640           | \$641-960           | \$961--1,280        | \$1,281-1,600       |
| 5                     | \$0-374             | \$375-748           | \$749-1,122         | \$1,123-1,496       | \$1497-1,871        |
| 6                     | \$0-428             | \$429-856           | \$857-1,284         | \$1,285-1,712       | \$1,713-2,141       |
| 7                     | \$0-482             | \$483-964           | \$965-1,446         | \$1,447-1,928       | \$1,929-2,411       |
| 8                     | \$0-536             | \$537-1,072         | \$1,073-1,608       | \$1,609-2,144       | \$2,145-2,681       |
| 9                     | \$0-590             | \$591-1,180         | \$1,181-1,770       | \$1,771-2,360       | \$2,361-2,952       |
| 10                    | \$0-644             | \$645-1,288         | \$1,289-1,932       | \$1,933-2,576       | \$2,577-3,222       |
| 11                    | \$0-698             | \$699-1,396         | \$1,397-2,094       | \$2,095-2,792       | \$2,793-3,492       |
| 12                    | \$0-752             | \$753-1,504         | \$1,505-2,256       | \$2,257-3,008       | \$3,009-3,762       |
| 13                    | \$0-807             | \$808-1,614         | \$1,615-2,421       | \$2,422-3,228       | \$3,229-4,033       |
| 14                    | \$0-861             | \$862-1,722         | \$1,723-2,583       | \$2,584-3,444       | \$3,445-4,303       |
| 15                    | \$0-915             | \$916-1,830         | \$1,831-2,745       | \$2,746-3,660       | \$3,661-4,573       |
| 16                    | \$0-969             | \$970-1,938         | \$1,939-2,907       | \$2,908-3,876       | \$3,877-4,843       |
| 17                    | \$0-1,023           | \$1,024-2,046       | \$2,047-3,069       | \$3,070-4,092       | \$4,093-5,114       |
| 18                    | \$0-1,077           | \$1,078-2,154       | \$2,155-3,231       | \$3,232-4,308       | \$4,309-5,384       |
| 19                    | \$0-1,131           | \$1,132-2,262       | \$2,263-3,393       | \$3,394-4,524       | \$4,525-5,654       |
| 20                    | \$0-1,185           | \$1,186-2,370       | \$2,371-3,555       | \$3,556-4,740       | \$4,741-5,924]      |

**LIHEAP INCOME RANGES CHART****Monthly Income Amounts**

| <b>Household Size</b> | <b>Income Range</b> | <b>Income Range</b> | <b>Income Range</b> | <b>Income Range</b> | <b>Income Range</b> |
|-----------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| 1                     | \$0-174             | \$175-348           | \$349-522           | \$523-696           | \$697-870           |
| 2                     | \$0-234             | \$235-468           | \$469-702           | \$703-936           | \$937-1,172         |
| 3                     | \$0-271             | \$272-542           | \$543-813           | \$814-1,084         | \$1,085-1,356       |
| 4                     | \$0-326             | \$327-652           | \$653-978           | \$979-1,304         | \$1,305-1,634       |
| 5                     | \$0-382             | \$383-764           | \$765-1,146         | \$1,147-1,528       | \$1,529-1,912       |
| 6                     | \$0-438             | \$439-876           | \$877-1,314         | \$1,315-1,752       | \$1,753-2,190       |
| 7                     | \$0-493             | \$494-986           | \$987-1,479         | \$1,480-1,972       | \$1,973-2,468       |
| 8                     | \$0-549             | \$550-1,098         | \$1,099-1,647       | \$1,648-2,196       | \$2,197-2,746       |
| 9                     | \$0-604             | \$605-1,208         | \$1,209-1,812       | \$1,813-2,416       | \$2,417-3,024       |
| 10                    | \$0-660             | \$661-1,320         | \$1,321-1,980       | \$1,981-2,640       | \$2,641-3,301       |
| 11                    | \$0-715             | \$716-1,430         | \$1,431-2,145       | \$2,146-2,860       | \$2,861-3,579       |
| 12                    | \$0-771             | \$772-1,542         | \$1,543-2,313       | \$2,314-3,084       | \$3,085-3,857       |
| 13                    | \$0-827             | \$828-1,654         | \$1,655-2,481       | \$2,482-3,308       | \$3,309-4,135       |
| 14                    | \$0-882             | \$883-1,764         | \$1,765-2,646       | \$2,647-3,528       | \$3,529-4,413       |
| 15                    | \$0-938             | \$939-1,876         | \$1,877-2,814       | \$2,815-3,752       | \$3,753-4,691       |
| 16                    | \$0-993             | \$994-1,986         | \$1,987-2,979       | \$2,980-3,972       | \$3,973-4,969       |
| 17                    | \$0-1,049           | \$1,050-2,100       | \$2,101-3,149       | \$3,150-4,198       | \$4,199-5,247       |
| 18                    | \$0-1,105           | \$1,106-2,210       | \$2,211-3,315       | \$3,316-4,420       | \$4,421-5,525       |
| 19                    | \$0-1,160           | \$1,161-2,320       | \$2,321-3,480       | \$3,481-4,640       | \$4,641-5,803       |
| 20                    | \$0-1,216           | \$1,217-2,432       | \$2,433-3,648       | \$3,649-4,864       | \$4,865-6,081       |

*AUTHORITY: section 207.020, RSMo 1994. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 31, 2000, effective Oct. 1, 2000, expires March 28, 2001. Amended: Filed Aug. 31, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Family Services, P.O. Box 88, Jefferson City, MO 65103. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 3—Conditions of Provider Participation,  
Reimbursement and Procedure of General Applicability**

**PROPOSED AMENDMENT**

**13 CSR 70-3.020 Title XIX Provider Enrollment.** The division is amending the purpose statement and sections (1), (2), (3), and (4) and adding sections (7) and (8).

*PURPOSE: This proposed amendment of the purpose statement and sections (1), (2), (3) and (4) and the addition of sections (7) and (8) clarifies the basis on which providers and vendors of health care services covered under Title XIX Medicaid Programs may be enrolled to or denied enrollment, or accepted or denied continued participation as enrolled providers in the program, and lists the grounds upon which enrollment may be denied or participation may be terminated.*

*PURPOSE: This rule establishes the basis on which providers and vendors of health care services under Title XIX Medicaid Programs may be admitted to or denied enrollment, or accepted or denied continued participation as enrolled providers in the program, and lists the grounds upon which enrollment may be denied or participation may be terminated.*

(1) The following definitions will be used in administering this rule:

(E) *[Limited] Closed-end provider agreement*—The granting of Medicaid enrollment to an applying provider by the single state agency upon the condition that the applying provider perform services, deliver supplies or otherwise participate in the program only in adherence to or subject to specially set out conditions agreed to by the applying provider prior to enrollment;

(I) *Provider*—*[Any person having an effective, valid and current written provider agreement with the Medicaid agency for the purpose of providing services to eligible recipients and obtaining reimbursement excluding, for the purposes of this rule only, all persons receiving reimbursement in their capacity as owners or operators of a licensed nursing home;]* **Means a person who or which has a provider agreement to provide services to a recipient pursuant to Chapter 208, RSMo;**

(K) *Person*—*[Any]* **Means any natural person, partnership, corporation, not-for-profit corporation, professional corporation, unincorporated association, or other [business entity] legal business or legal entity;**

(L) **Principal**—A person who has a direct or indirect ownership or control interest of five percent or more in the entity or who is an officer, director, agent or managing employee of the entity, or both; and

*[(L)](M) Termination from participation*—The ending of participation in the Medicaid program~~;~~ and~~].~~

(2) Duties of the Single State Agency.

(A) **The single state agency determines the effective date of participation in the Medicaid program for all applying providers.**

*[(A)] (B)* Upon receiving a provider enrollment application, the single state agency shall record receipt of the application and conduct whatever lawful investigation which, in the discretion of the Medicaid agency, is necessary to verify, supplement or change the information contained in the application.

*[(B)] (C)* If, in the discretion of the Medicaid agency, further information is needed from the applying provider to verify or supplement an application, the Medicaid agency shall immediately make a clear and precise request to the provider for the information and inform the prospective provider whether or not the application will be withheld pending receipt of the requested information.

*[(C)] (D)* The single state agency, within ninety (90) calendar days after receiving an application, shall complete its investigation and determine whether to deny or allow enrollment of the applying provider. The Medicaid agency's decision shall be made known to the applying provider within ninety-five (95) calendar days after the application was received by the agency. A denial of enrollment shall be made known to an applying provider giving the reason(s) for the denial in writing. The written notice of denial will be effective upon the date it is mailed by the single state agency to the address entered on the application by the provider.

*[(D)] (E)* In the event that an application cannot be fully investigated by the single state agency within ninety (90) days of its receipt, the Medicaid agency, upon written notice to the applying provider, may extend the time for conducting the investigation for a period not to exceed one hundred twenty (120) calendar days from the date of receipt of the application by the Medicaid agency. The Medicaid agency must send the notice of delay to the applying provider within sixty (60) calendar days from the time the application in question was received.

(3) The single state agency, at its discretion, may deny or limit an applying provider's enrollment and participation in the Missouri Title XIX Medicaid Program for any one (1) of the following reasons:

(H) **Violation of any law, regulation or code of ethics governing the conduct of occupations, professions or regulated industries, or violation of any law or regulation where the violation is reasonably related to the person's qualifications, functions or duties in any licensed or regulated profession or industry or where fraud, dishonesty, moral turpitude or an act of violence is an element of the violation;**

*[(H)] (I)* Any termination, **debarment**, removal, suspension, **ineligibility**, revocation, denial, **voluntary exclusion** or consented surrender or other involuntary disqualification of any license, permit, certificate or registration related to the applying provider's business or profession in Missouri or any other state of the United States. Any such license, permit, certificate or registration which has been denied or lost by the provider for reasons not related to matters of professional competence in the practice of the applying provider's profession, upon proof of current reinstatement, shall not be considered by the agency in its decision to enroll the applying providers;

*[(I)] (J)* Any false representation or omission of a material fact in making application for any license, permit, certificate or registration

related to the applying provider's profession or business in Missouri or any other state of the United States;

[(K)] (K) Any previous failure to correct deficiencies in provider operation after receiving written notice of the deficiencies from the single state agency;

[(K)] (L) Any previous violation of any regulation or statute relating to the applying provider's participation **or one or more of the applying provider's principals participation, or both** in the Missouri Medicaid program;

[(L)] (M) Failure to supply further information to the single state agency after receiving a written request for further information pursuant to an enrollment application; or

[(M)] (N) Failure to affix a proper signature to an enrollment application. Submission of an application bearing a signature that conceals the involvement in the provider's operation of a person who would otherwise be ineligible for Medicaid participation shall be grounds for denial of enrollment by the single state agency. Otherwise, the single state agency shall give the applying provider an opportunity to provide a proper signature and, after that, consider the application as if the proper signature was originally affixed. **The term proper signature means:**

1. If the applicant is applying for an individual provider number, the individual must affix an original signature to all forms in the enrollment application; and

2. If the applicant is applying as a clinic, group, corporation, partnership, affiliate, other association or legal entity, the owner or authorized signer is required to affix their original signature to all forms in the enrollment application. Rubber stamp or other facsimiles are not acceptable. The authorized signer of the enrollment application must verify that s/he is a representative of the provider and is the duly authorized agent to execute the enrollment application under authority granted by said provider. The single state agency, at its discretion, may require written proof that the signatory is authorized to sign for the applicant.

(4) After investigation and review of an applying provider's application for enrollment and consideration of all the information, facts and circumstances relevant to the application, including, but not limited to, a review of the applying provider's affiliates, the single state agency, at its discretion, in the best interest of the Medicaid program, will make one (1) of the following determinations:

(C) Deny or limit the applying provider's enrollment for one (1) or more of the reasons in subsections (3)(A)-[(M)](N).

(7) The provider is responsible for all services provided and all billing done under his/her provider number regardless of whom the reimbursement is paid and regardless of whom in his/her employ or service produced or submitted the Medicaid claim or both. The provider is responsible for submitting proper diagnosis codes, procedure codes, and billing codes. When the length of time actually spent providing a service (begin and end time) is required to be documented, the provider is responsible for the accurate documentation of the length of time, except for services as specified under Personal Care Program 13 CSR 70-91.010(4)(A)2.C.(II), regardless of whom the reimbursement is paid and regardless of to whom in the provider's employ or service produced or submitted the Medicaid claim.

(8) The provider shall advise the single state agency, in writing, on enrollment forms specified by the single state agency, of any changes affecting the provider's enrollment records. New provider numbers are not issued for changes, including, but not limited to, change of ownership, change of operator, tax identification change, merger, name change, address change, or payment address change, Medicare number change, or facilities/offices that have been closed and reopened. This includes

replacement facilities whether they are at the same location or a different location, and whether the same Medicare number is retained or if a new Medicare number is issued.

*AUTHORITY:* sections [207.020, RSMo Supp. 1993, 208.153, RSMo Supp. 1991 and] 208.159 and 208.201, RSMo [1986] 1994. This rule was previously filed as 13 CSR 40-81.165. Original rule filed June 14, 1982, effective Sept. 11, 1982. Amended: Filed Aug. 22, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, Director of Medicaid, 615 Howerton Court, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

## Title 16—RETIREMENT SYSTEMS

### Division 10—The Public School Retirement System of Missouri

#### Chapter 4—Membership and Creditable Service

#### PROPOSED AMENDMENT

**16 CSR 10-4.014 Reinstatement and Credit Purchases.** The board is amending section (6).

*PURPOSE:* This amendment clarifies the provisions relating to the purchase of membership service credit for maternity and paternity leave pursuant to section 169.056, RSMo.

(6) The following provisions shall apply to a purchase of membership service credit for maternity **or paternity** leave under [Chapter 169,] **section 169.056**, RSMo:

(A) A period of leave shall be considered [eligible for] maternity **or paternity** leave [under the following conditions] **for which membership service credit may be purchased if:**

1. The leave was unpaid;
2. The leave related to a natural birth, legal adoption, or terminated pregnancy by [or of] the member **or the member's spouse or significant other;**
3. The member was employed in a position covered by the retirement system at the time the leave [was granted and] relating to the initial natural birth, legal adoption, or terminated pregnancy began;
4. [a] The district granting the leave had a written maternity leave policy as a part of its regulations, or b) the minutes of the governing board of the district set forth the granting of the leave for reasons of maternity, or c) affidavits certifying that the leave was granted for reasons of maternity are provided by at least two (2) persons who either were members of the governing board or administrative officers of the district at the time the leave was granted and had first-hand knowledge of the granting of the leave] The member provides a notarized affidavit signed by the member stating that the leave was maternity or paternity leave; [and]
5. The member provides a certified copy of a birth certificate, or certification of adoption, or physician's certification of

termination of pregnancy, [pertinent to] which indicates that the event occurred within a reasonable time before or after the period of maternity or paternity leave began./.; and

6. The member returns to employment in a position covered by the retirement system.

(B) *[If a grant of maternity leave established in accordance with 16 CSR 10-4.014(6)(A) specifies a fixed period for such leave, the member may purchase membership service credit for some or all of the amount of time specified in the grant of leave, up to a maximum of four (4) years of service credit. If a grant of maternity leave does not specify a fixed period for such leave, the member may purchase up to four (4) years of membership service credit from the period of non-covered employment immediately subsequent to the granting of the leave, provided, however, that the member must establish that the member made a good faith effort to return to covered employment each year of the proposed leave period and no position was available.]* The maternity or paternity leave for which membership service credit may be purchased shall terminate upon the member's return to covered employment and may not exceed one (1) year for each natural birth, legal adoption, or terminated pregnancy.

(C) A member may elect to purchase some or all of the period of maternity or paternity leave for which the member is eligible, but a member may not purchase more than a total of four (4) years of membership service credit based on maternity or paternity leave over the member's career. *[If a member was granted multiple maternity leave periods separated by periods of creditable service in a district included in the retirement system, the member may purchase credit for more than one (1) period per application, but in no event shall the total membership service credit for maternity leave exceed four (4) years over the member's service career.]*

(D) Verification of matters relating to the maternity leave period claimed shall be established by means of a sworn statement by the member and by copies of district records, certified by an administrative officer of the district, which provide evidence concerning the leave, including the reason for the leave, the beginning and ending dates, or the availability of post-leave employment. Reliable evidence such as affidavits from persons who were members of the governing board or administrative officers of relevant districts at the time of the leave, certifying the reasons for the leave, the duration or terms of the leave or the availability of post-leave employment may be considered if no such district records exist.]

**AUTHORITY:** section 169.020, RSMo [Supp. 1998] Supp. 1999. Original rule filed June 23, 1998, effective Jan. 30, 1999. Amended: Filed Oct. 25, 1999, effective April 30, 2000. Amended: Filed Aug. 21, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Joel Walters, Executive Director, P.O. Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 16—RETIREMENT SYSTEMS**  
**Division 10—The Public School Retirement System of Missouri**  
**Chapter 5—Retirement, Options, and Benefits**

**PROPOSED AMENDMENT**

**16 CSR 10-5.055 Cost-of-Living Adjustments.** The board is amending section (3).

**PURPOSE:** This amendment provides for the implementation of cost-of-living adjustments to teachers and eligible beneficiaries as set forth in subdivision 169.070.12 and 13, RSMo.

(3) When [it is determined] the board of trustees determines that an increase shall be granted, the increase shall be added to the allowances of all persons receiving service or disability retirement allowances, or beneficiary allowances under the provisions of section 169.070.3, RSMo. The initial increase in a [retired member's] retiree's allowance [cannot] shall not be granted before January 1, 1977, or until the retiree has been retired four (4) January firsts./., or in the case of any member retiring on or after July 1, 2000, the initial increase in the retiree's allowance shall not be granted until the retiree has been retired three (3) January firsts. A designated beneficiary of a deceased retiree who is receiving an allowance as provided in section 169.070.3, RSMo, will be eligible for an increase [provided the deceased retiree would have been retired four (4) January firsts] at the time the deceased retiree would have been eligible for an increase had [s/he] he or she lived.

**AUTHORITY:** section 169.020, RSMo [Supp. 1998] Supp. 1999. Original rule filed Jan. 5, 1977, effective May 1, 1977. Amended: Filed June 10, 1980, effective Sept. 15, 1980. Amended: Filed Aug. 9, 1999, effective Feb. 29, 2000. Amended: Filed Aug. 21, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Joel Walters, Executive Director, P.O. Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 16—RETIREMENT SYSTEMS**  
**Division 10—The Public School Retirement System of Missouri**  
**Chapter 6—The Nonteacher School Employee Retirement System of Missouri**

**PROPOSED AMENDMENT**

**16 CSR 10-6.060 Service Retirement.** The board is amending section (11) and adding section (12).

**PURPOSE:** The purpose of this amendment is to implement section 169.670.1(5) allowing for the payment to a qualified retiree of an additional four-tenths of one percent of retiree's final average salary multiplied by the retiree's years of service until the retiree reaches the minimum age for Social Security retirement benefits.

(11) Any person who is receiving or has received a retirement allowance from the system, other than a disability retirement allowance, who returns to employment in a position covered by the system shall undertake such employment under a new and separate membership in the system.

(D) All previous years of creditable service, not otherwise forfeited, will be considered to determine the formula factor, which may include the temporary allowance provided in section 169.671.1(5), RSMo, to be used in calculating the subsequent retirement allowance.

(12) In addition to the retirement allowance provided in section 169.670.1(1)–(3) RSMo, a member retiring on or after July 1, 2000, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to four-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches minimum retirement age for Social Security retirement benefits ("minimum Social Security retirement age"), subject to the terms, conditions and limitations of this rule.

(A) "Minimum Social Security retirement age" is the minimum age at which the retiree would be eligible to receive reduced Social Security retirement benefits. If otherwise eligible, a retiree shall receive the temporary retirement allowance until the retiree first attains minimum Social Security retirement age as that age is periodically adjusted by the Social Security Administration, but in no event shall the temporary retirement allowance terminate prior to the earlier of the retiree's death or the retiree's attainment of age sixty-two.

(B) To receive the temporary retirement allowance, the member must select a benefit payment plan authorized by section 169.670, RSMo for which the member qualifies, which may include an option for reduced monthly benefit payments for life, with continuing payments to a designated beneficiary.

1. A retiree who elects Option 1 shall receive the temporary retirement allowance until the earlier of the retiree's death or the time at which the retiree attains minimum Social Security retirement age, provided that in no event shall the temporary retirement allowance terminate prior to the earlier of the retiree's death or the retiree's attainment of age sixty-two.

2. A retiree who elects Option 2, 3, 4, or 7 shall receive the temporary retirement allowance, as actuarially reduced pursuant to section 169.670.4, RSMo, in the same manner as described in paragraph 1. of subsection (A) of section (12) of this rule, provided that if the retiree dies prior to reaching minimum Social Security retirement age, such temporary retirement allowance shall be paid to the retiree's designated beneficiary (as adjusted pursuant to the retiree's elected option) until such time as the retiree would have reached the minimum Social Security retirement age had the retiree lived.

3. A retiree who elects Option 5 or 6 shall receive the temporary retirement allowance, as actuarially reduced pursuant to section 169.670.4, RSMo, in the same manner as described in paragraph 1. of subsection (A) of section (12) of this rule, provided that if the retiree dies prior to reaching minimum Social Security retirement age, such temporary retirement allowance shall be paid to the retiree's designated beneficiary until such time as the retiree would have reached minimum Social Security retirement age had the retiree lived or until the payments to the retiree's beneficiary would otherwise terminate pursuant to Option 5 or 6, whichever occurs first.

(C) By accepting the temporary retirement allowance, the retiree agrees to receipt of a retirement allowance that may decrease substantially when the retiree reaches minimum Social Security retirement age and further, that such decrease

will be magnified if the retiree elected Option 7. By accepting the temporary retirement allowance, the retiree agrees that the payment of the temporary retirement allowance is not designed to provide for equal or substantially equal retirement allowance payments throughout the retiree's life when such payments are received in conjunction with Social Security benefits or otherwise. Nothing herein or in section 169.670, RSMo shall be construed as a promise or guarantee by this retirement system that the Social Security Administration will make any payments, or that any payments made, when added to the retiree's retirement allowance, will result in equal or substantially equal payments throughout the retiree's life or the life of any named beneficiary, or that this retirement system has any obligation to assure a stream of equal or substantially equal monthly retirement benefits. It shall be the sole responsibility of the retiree and the Social Security Administration, respectively, to secure or pay Social Security retirement benefits. Neither a failure by the retiree or the Social Security Administration to fulfill their respective obligations, nor a subsequent change in the minimum Social Security retirement age shall compel this retirement system to recalculate the monthly benefits determined at the time of the retiree's election of a retirement option pursuant to section 169.670, RSMo.

(D) The provisions in section 169.670, RSMo and 16 CSR 10-6.100 concerning the right to receive a cost-of-living adjustment ("COLA"), the amount of any COLA, and any other limitations concerning COLAs shall apply with equal effect to the temporary retirement allowance, except as follows:

1. Any COLA the retiree is eligible to receive will be based on the amount of the monthly benefit payable by this retirement system when the COLA takes effect; and

2. If a retiree has received COLAs prior to reaching the minimum Social Security retirement age the reduced retirement allowance paid by Non-Teacher Retirement System (NTRS) from that point forward will include only that percentage of the previously awarded COLAs that would have been earned by the benefit amount payable after the retiree reaches the minimum Social Security retirement age.

(E) Limitations on and other provisions concerning post-retirement employment found in this rule and in Chapter 169, RSMo shall apply with equal effect to a retiree receiving a temporary retirement allowance, except as follows:

1. If a retiree receiving a temporary retirement allowance subsequently returns to employment covered by this retirement system, benefit payments will be suspended, and the retiree's covered service will commence under a new membership;

2. While the retirement benefits are suspended, they will continue to accrue COLAs based on the benefit that would have been paid to the retiree had the retiree not returned to covered employment;

3. A retiree receiving a temporary retirement allowance who returns to covered employment and thereby qualifies for a second benefit based on the new membership may receive a temporary retirement allowance as part of the retiree's subsequent benefit if eligible pursuant to section 169.561, RSMo, and sections (11) and (12) of this rule.

(F) If a member dies prior to retirement, a beneficiary eligible to receive monthly benefits pursuant to 169.670.4(2), RSMo, is eligible to receive a temporary retirement allowance if the member would have been eligible to receive the temporary retirement allowance. The temporary retirement allowance paid to such beneficiary shall be administered in the same manner as if the member had retired and elected Option 2 of section 169.670.4(2), RSMo.

*AUTHORITY: section 169.610, RSMo 1994. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history,*

please consult the *Code of State Regulations*. Amended: Filed Aug. 21, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Joel Walters, Executive Director, P.O. Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 16—RETIREMENT SYSTEMS**  
**Division 20—Missouri Local Government Employees’**  
**Retirement System (LAGERS)**  
**Chapter 2—Administrative Rules**

**PROPOSED AMENDMENT**

**16 CSR 20-2.060 Correction of Errors.** The system proposes to amend section (1) of the rule and to add a new subsection (3)(B).

**PURPOSE:** This proposed amendment provides for an alternative procedure to be followed for recouping an overpayment of benefits in those situations where the normal procedure would not result in a recovery of the overpayment within a period of five years.

(1) Should any change in records or error result in any person receiving from the system more or less than s/he would have been entitled to receive had the records been correct or the error not been made, the executive secretary shall make corrections to the records and as far as [in] is practicable shall adjust the amount of the benefit in such a manner that the correct amount of the benefit to which the person is entitled shall be paid.

(3) In the event that an error, oversight, or miscalculation of benefits results in an active or former member, retirant, or beneficiary being paid more than the amount which s/he was entitled to receive, the executive secretary shall notify the individual of the amount of the overpayment, which shall be recovered by the system in accordance with the following policy:

(B) If the benefit reduction provided in subsection (3)(A) of this rule will not result in a complete recovery of the overpayment within a period of five years from the date of the first reduction of the monthly benefit or recurring payment, LAGERS may further reduce the monthly benefit or recurring payment, up to and including a complete suspension of the monthly benefit or recurring payment, in order to recoup the overpayment, provided that such further reduction may not result in a recovery of the overpayment in a period of less than five years from the date of the initial reduction.

**AUTHORITY:** section 70.605.21, RSMo 1994. Original rule filed June 25, 1976, effective Oct. 11, 1976. Amended: Filed Oct. 6, 1983, effective Jan. 11, 1984. Amended: Filed Feb. 16, 1999, effective July 30, 1999. Amended: Filed Aug. 30, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Any interested person or entity may submit written comments in support of or in opposition to this proposed amendment. Comments should be directed to the Missouri Local Government Employees’ Retirement System (LAGERS), ATTN: Bill Ackerman, Chief Counsel, P.O. Box 1665, Jefferson City, MO 65102. To be considered, comments must be received within thirty days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 16—RETIREMENT SYSTEMS**  
**Division 20—Missouri Local Government Employees’**  
**Retirement System (LAGERS)**  
**Chapter 3—Hearings and Proceedings**

**PROPOSED AMENDMENT**

**16 CSR 20-3.010 Hearings and Proceedings.** The system proposes to amend section (2) of the rule.

**PURPOSE:** The proposed amendment authorizes the Board of Trustees to appoint a hearing officer to conduct administrative hearings, as authorized by section 70.605.16, RSMo.

(2) Powers and Duties.

(A) The board of trustees shall [conduct] cause hearings to be conducted and shall make findings of fact and conclusions of law respecting questions arising from the administration of sections 70.600–70.760, RSMo [(1986)] 1994 and questions [as to] concerning the system membership status of any person.

(B) The conduct of hearings and proceedings by the board of trustees shall be governed by these rules and the provisions of sections 70.600–70.760, RSMo [(1986)] 1994.

(C) Hearings may be conducted by a hearing officer who shall be appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer shall make recommended findings of fact and may make recommended conclusions of law to the board. All final orders or determinations or other final actions by the board shall be approved in writing by at least four members of the board. Any board member approving in writing any final order, determination, or other final action, who did not attend the hearing, shall do so only after certifying that he or she reviewed all exhibits and read the entire transcript of the hearing.

**AUTHORITY:** sections 70.605.16, 70.605.21 and 70.630.3, RSMo [(1986)] 1994. Original rule filed Dec. 29, 1975, effective Jan. 8, 1976. Amended: Filed Aug. 30, 2000.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Any interested person or entity may file a statement in support of or in opposition to this proposed amendment. Comments should be directed to the Missouri Local Government Employees’ Retirement System (LAGERS), ATTN: Bill Ackerman, Chief Counsel, P.O. Box 1665, Jefferson City, MO 65102. To be considered, comments must be received within thirty days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 500—Property and Casualty**  
**Chapter 6—Workers' Compensation and Employer's Liability**

**PROPOSED AMENDMENT**

**20 CSR 500-6.700** [Premium Discounts for Using Managed Care Programs] **Workers' Compensation Managed Care Organizations.** The department is amending the title of the rule, deleting sections (1)–(9), adding sections (1)–(10) and replacing the exhibits that follow this rule.

**PURPOSE:** The proposed amendment updates this regulation to implement section 287.135, RSMo.

**PUBLISHER'S NOTE:** The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

[(1) Upon issuance or renewal of a Workers' Compensation insurance policy, there shall be a reduction in the total premium charged to an employer for the policy for the first three (3) years during which the employer contracts with a managed health care system which has met the certification requirements of this rule and which serves the geographic area in which the employer is located. The premium reduction shall be five percent (5%) of the total premium which would otherwise be charged to the employer for each of the three (3) initial policy years under the certified managed care system. An insurer may require the employer to notify it of the employer's intent to contract with certified managed care system and to execute any such contract, prior to the issue date or renewal date of the policy, before granting the reduction. This arrangement shall be evidenced by the following documents:

(A) An endorsement to the Workers' Compensation policy setting forth the use of the certified managed care system and the extension of the five percent (5%) reduction in premium. The endorsement may include provisions on the effect of the employer's use of providers outside the terms of the managed care agreement;

(B) A contract between the certified managed care system and the employer specifying the terms and conditions associated with the use of the managed care system, including the employer's agreement that the use of the organization is the free exercise of the employer's right to choose a health care provider under section 287.140, RSMo;

(C) A certification of a managed care utilization form to be given to the employer's insurer documenting the existence of the contract specified in subsection (1)(B), as set forth in Exhibit II of this rule; and

(D) A Workers' Compensation insurer and a certified managed care system may also enter into an agreement specifying the terms and conditions associated with the use of the managed care system.

(2) For purposes of this rule, the term certified managed care system or system shall mean medical care cost containment arrangements such as preferred provider organizations (PPOs), health maintenance organizations (HMOs) and other direct employer/provider arrangements designed to provide incentives to medical care providers to manage

the cost and utilization of care associated with claims covered by Workers' Compensation insurance, which have been approved by the department. The approval criteria for PPO arrangements are set forth in section (3) of this rule. The approval criteria for non-PPO arrangements shall be developed under section (8) of this rule.

(3) For purposes of this rule, the term Workers' Compensation preferred provider organization (WC/PPO) shall mean a health care plan designed to coordinate employee care and control and contain costs for medical and rehabilitative services associated with Missouri Workers' Compensation claims through the use of special provider networks, utilization review and case management procedures. In order to be certified, a WC/PPO shall meet the following requirements:

(A) The WC/PPO shall contract with member health care providers who are authorized to provide health care services in this state by the appropriate licensing authorities;

(B) Regarding contract requirements for medical and rehabilitative services, the WC/PPO shall—

1. Provide for convenient access to the following types of providers in one (1) or more Missouri counties or cities not within a county:

- A. Primary care physicians;
- B. Subspecialty physicians;
- C. Rehabilitation centers; and
- D. Hospitals;

2. Provide for convenient access to primary care clinics which are specialized in providing occupational medical services;

3. Employ a medical director who is board-certified in occupational medicine; and

4. Possess the capability for progressive rehabilitation services, including, but not limited to:

- A. Functional, objective capacity evaluations;
- B. Psychological testing; and
- C. Work hardening;

(C) Regarding additional WC/PPO contract requirements, the WC/PPO shall—

1. Provide employers with job-site presentations or other presentations regarding how to make proper use of the managed care services of the organization;

2. Base charges on negotiated rates of reimbursement to providers for the services specified in paragraph (3)(B)1. comparable to the best group medical plans in the geographic market area served, including provisions for basing inpatient services charges on diagnosis-related group (DRG) rates;

3. Include the prepricing of claims;

4. Provide monthly reports, on a claim-by-claim basis, specifying customary charges, charges allowed under the WC/PPO contract and the resulting savings, if any; and

5. Provide for the external management and oversight from the initial date of injury by a nonhealth care provider of the health care provider's rendition of medical care in all cases; and

(D) Be in addition, under the management and control of officers and directors who are competent to manage the WC/PPO-managed health care operations, its finances, its compliance with agreements between itself and insurers or employers, or both, and its compliance with any applicable laws of Missouri.

(4) Certification Procedure.

(A) For purposes of obtaining the department's certification of a WC/PPO, the organization shall provide the department with the following materials:



1. Copies of any PPO/employer and PPO/insurer contracts to be used;
2. A general diagram of the WC/PPO's organizational structure;
3. A listing of the WC/PPO's officers and directors;
4. The WC/PPO's most recently audited financial report;
5. A thorough description of the WC/PPO's experience with the management of health care costs associated with Workers' Compensation claims and with other health care claims;
6. The geographic area, by county, the WC/PPO plans to serve;
7. A copy of the certificate of the board-certified medical director;
8. A complete list of all primary care physicians, subspecialist physicians, rehabilitation centers, hospitals and work hardening centers to be employed by the organization;
9. The estimated savings to employers and insurers from the use of the organization;
10. The outline of the operation of the WC/PPO to be provided to employers explaining their rights and responsibilities; and
11. Any other materials requested by the director.

(B) The materials specified in subsection (4)(A) shall be retained by the department. Any significant changes to the nature of the WC/PPO's operations as reflected in these materials shall be reported to the department, but these reports need not be made more than twice a year, as measured from the date of the granting of any certification.

(C) The department shall review these documents and grant certification, on the form contained in Exhibit I of this rule, to those WC/PPOs deemed to meet the criteria set forth in this rule. Any departmental decision to deny certification shall be accompanied by a written explanation by the department of the reasons for denial.

(D) The department may suspend or revoke the certification of a WC/PPO at any time it establishes that the criteria set forth in this rule are no longer being met. Any such organization may request a hearing before the director on that suspension or revocation.

(5) Insurers writing Workers' Compensation insurance in Missouri may contract with a certified managed care system. This contract may cover all employers insured by the insurer in the state, any class or subclass of employers, any employers located in a particular geographic region, or on any other basis which does not result in unfair discrimination under section 375.936(11), RSMo. Any employers who participate in this arrangement shall execute the contract required in subsection (1)(B) of this rule. For purposes of encouraging its insured employers to use a managed care system with which it has contracted, an insurer may offer premium reductions in excess of those required in section (1) of this rule. Nothing shall preclude an insurer from discussing the relative merits of different managed care systems with its insureds.

(6) Where an insurer has not contracted with a certified managed care system in a given geographic region, but that a system does operate in that region, upon a request by an insured employer, the insurer shall provide the insured the premium reduction specified in section (1) of this rule so long as the certified system is willing to provide health care services to the employer. The insurer, however, may apply the five percent (5%) premium reduction specified in section (1) only to that portion of the

employer's operations occurring in the geographic regions served by the certified system.

(7) Nothing contained in this rule shall be interpreted as precluding an employer from taking advantage of other noncertified managed care options at his/her own expense, particularly where the employer's operations are located outside the geographic territory of a certified managed care system. The use of this system, however, shall not entitle the employer to a premium reduction by its insurer.

(8) The director shall establish an informal task force for fostering the widest possible use of managed care systems in Missouri in relation to Workers' Compensation insurance. The task force may consist of volunteers representing insurers, managed care providers, employers and other interested parties. The task force will assist the department in developing approval criteria for approving additional managed care systems in Missouri. The panel will assist the director in developing approval criteria for PPOs that do not meet the criteria of section (3) of this rule, and of other managed care systems such as HMOs and direct employer/provider contracts, and the appropriate level of premium discount to be associated with these systems. They also may assist in the development of performance standards to measure the effectiveness of all managed care systems associated with Workers' Compensation insurance. All meetings of the advisory panel will be subject to the state's open meetings law.

(9) An insurer need provide a premium discount to an insured employer only for a three (3)-year period, after which time any reduction in the employer's premium as a result of the use of managed care services shall be reflected in the employer's experience modification factor. An employer shall not be entitled to more than three (3) years of specified premium reductions by reason of changing insurers, changing managed care systems or changing the ownership of the employer. Change of ownership rules regarding employers approved by the department concerning Workers' Compensation shall apply to these cases.]

(1) Definitions. Under this regulation, unless the context clearly requires otherwise:

(A) Access fee means a fee which is charged by a managed care organization (MCO) as reimbursement for access to its network of health care providers. Such access fees are typically calculated as the percentage of savings realized by using the MCO's network, "savings" being the difference between usual and customary fees charged by the network's providers for medical or rehabilitative services and the fees the providers agree to accept after negotiations with the MCO.

(B) Case management means a collaborative process by which appropriately-licensed persons experienced in the delivery of medical care under the workers' compensation system plan, coordinate, monitor and evaluate the delivery of that level of health care treatment which is necessary to assist an injured employee in reaching prompt maximum medical improvement, following prescribed medical treatment plans, and achieving, where possible, the prompt and appropriate return to work. Case management includes "on-site case management" and "telephonic case management."

(C) Department means the Missouri Department of Insurance.

(D) Managed care organization (MCO) means an organization, such as a preferred provider organization, a health maintenance organization or other direct employer/provider

arrangements, designed to provide the appropriate procedures and incentives to medical providers to manage the cost and utilization of care associated with claims covered by workers' compensation insurance.

(E) Non-health-related fees means fees related to MCO services other than those of health care providers, such as MCO access fees, and MCO fees for utilization review, bill auditing, bill re-pricing, cost savings analysis, educational services and continuing provider education which may be provided by an MCO as part of its package of services to an employer or an insurer.

(F) Utilization review means a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures, or settings. Techniques may include ambulatory review, prospective review, second opinion, pre-certification, concurrent review, discharge planning or retrospective review. For purposes of this regulation, utilization review shall not include case management.

**(2) An Employer's Right to Select an MCO.**

(A) Under section 287.135, RSMo, an employer has the right to select an MCO, regardless of whether the employer's insurer has selected a different MCO or has selected no MCO.

(B) Because an insurer is obligated to pay only those MCO fees which it has agreed to pay as set forth in section (3) below, an employer may be required to pay any other MCO fees himself, so long as this obligation is set forth in a contract with the MCO pursuant to section (5) of this regulation.

**(3) An Insurer's Obligation to Pay MCO Fees.**

(A) A workers' compensation insurer is obligated to pay the fees of an MCO, including access fees, case management fees and non-health-related fees, only to the extent it has agreed to pay such fees. An insurer may indicate such an agreement by means of written contracts with one or more MCOs, or by means of written protocols and procedures, filed with the department under section (4) below.

(B) A workers' compensation insurer may also limit the extent to which it is obligated to reimburse the fees of an MCO. An insurer may indicate its intent to limit MCO fees, in whole or in part, to certain types of MCO fees, certain levels of reimbursement, or the fees of certain MCOs not otherwise under contract, also by means of written protocols and procedures, filed with the department under section (4) below.

(C) If an insurer agrees to pay only certain MCO fees pursuant to subsection (3)(A) above, or intends to limit MCO reimbursements under subsection (3)(B) above, the insurer shall inform its prospective insureds of this fact by means of the MCO Utilization Form set forth in Exhibit A incorporated by reference in this rule. This notification shall be made to the employer as part of the employer's process of applying for coverage. The form shall be signed by the employer prior to the effective date of coverage, one copy of which shall be retained in the insurer's policy file for said employer and one copy of which shall be given to the employer.

(D) If an insurer fails to file the appropriate protocols and procedures under subsection (3)(B) above, or fails to execute an MCO Utilization Form with an employer under (3)(C) above, the insurer shall be obligated to reimburse an MCO selected by the employer for services the employer has requested at the MCO's standard rates or charges.

(E) Any insurer willing to allow its insured employers to select their own MCOs which is also willing to pay the resulting MCO fees at the MCOs' standard rates and charges shall be exempt from the requirements of this section to file protocols and procedures and use MCO Utilization Forms.

**(4) Coordination and Integration of Insurer and MCO Internal Operating Systems.**

(A) An insurer may file with the department written procedures or protocols which it will require those MCOs with whom it has no contractual agreements to adhere in order to coordinate and integrate with the insurer's systems. Such procedures and protocols may cover, but are not limited to, such matters as:

1. The names and other relevant information of the MCO's contact persons;
2. The timeliness of the reporting of injuries;
3. The procedures for providing medical records;
4. The specification of those activities the MCO may perform and those the insurer itself shall perform;
5. The MCO fees, including MCO access fees, fees for case management, and non-health-related fees the MCO will reimburse, and the rates or amounts of such reimbursement; and
6. Billing standards.

(B) An insurer which has filed protocols and procedures under subsection (4)(A) and has also disclosed to its insureds through MCO Utilization Forms that it intends to limit MCO payments to MCOs, in whole or in part, through such protocols and procedures, may limit its reimbursement obligations accordingly.

(C) The insurer protocols and procedures filed under subsection (4)(A) shall be made available to MCOs and other parties by the department for copying, at the cost of copying. Insurers may change such protocols and procedures from time to time and shall date them accordingly. The department shall maintain a list of authorized workers' compensation insurers and the date of their most recent protocols and procedures, if any, and shall make such information available to the public.

**(5) MCO Contracts with Employers.** Any written contracts between an employer and an MCO shall, at a minimum, make clear:

(A) That while the employer has the right to select the health care provider to provide treatment to injured employees, both the employer and the employer's insurer have the right to select an MCO;

(B) The extent to which the employer will be expected to pay the MCO's fees, including access fees, case management fees and non-health-related fees, should the employer's insurer not be obligated to pay such fees under this regulation;

(C) The rates or amounts of any access fees, fees for case management and fees for any non-health-related services the MCO provides and expects to have reimbursed by the employer; and

(D) That the employer or the MCO may cancel the contract on thirty (30) days written notice to the other.

**(6) Criteria for Certification.** In order to be certified, an MCO shall:

(A) Possess a network of appropriately-licensed primary care physicians, subspecialist physicians, hospitals, and rehabilitation services that are willing, experienced and able to provide prompt and convenient medical care for work-related injuries and illnesses.

(B) Possess a system of coordinating medical care, rehabilitation care and ancillary managed care services to manage the cost and utilization of care associated with claims covered by workers' compensation insurance while achieving prompt and appropriate maximum medical improvement and, where possible, prompt and appropriate return to work, under the direction of a medical director experienced with the Missouri workers' compensation system.

(C) Have the ability to make available, but only to the degree requested or authorized by the insurer or employer who will pay for such services, a system of appropriately-licensed and experienced personnel to provide the following types of ancillary non-health-related managed care services and case management:

1. Utilization review;
2. Bill auditing;
3. Bill re-pricing;
4. Cost savings analysis;
5. Educational services for employers; and
6. A continuing education program for network providers and other personnel.

(7) Certification Process.

(A) An organization seeking to have itself certified as an MCO by the department shall file a letter requesting such certification with the department. The department shall provide the MCO with instructions about the materials to be submitted as part of that certification.

(B) The materials submitted by an MCO for its certification shall be retained by the department. Any significant changes to the nature of the MCO's operations as reflected in these materials shall be reported to the department as part of the MCO's annual renewal under section (8) of this regulation.

(C) The department shall review these documents and grant certification, on the form contained in Exhibit B incorporated by reference in this rule, to those MCOs deemed to meet the criteria set forth in this regulation. Any departmental decision to deny certification shall be accompanied by a written explanation by the department of the reasons for denial.

(D) The department shall designate the geographic extent to which a certified MCO's certification applies, which shall consist of every county wherein each type of provider required under subsection (6)(A) is available, as well as any counties bordering said counties. The MCO's service area shall be listed by county in the current list of certified MCO's, which is to be maintained by the department under section 287.135, RSMo, and provided to the Division of Workers' Compensation.

(8) Continuing Certification.

(A) Any MCO which desires re-certification under this regulation shall submit the materials required under section (7) indicating any significant changes to its organization thirty (30) days prior to the anniversary date of its current certificate of authority. Each previously-certified MCO which is re-certified under this regulation, and each newly-certified MCO, shall thereafter annually file for re-certification at least thirty (30) days prior to the anniversary date of the certification granted under this regulation, to continue that certification.

(B) Upon initial certification and initial re-certification, an MCO shall pay a filing fee \$1,000, made payable to "the Missouri Department of Insurance." For annual re-certifications thereafter, the fee shall be \$500. In addition to the fee, the MCO shall, in a cover letter, outline any significant changes made to any previous filing. Each MCO previously certified and so filing shall remain certified until re-certified.

(C) The department may, in writing, suspend or revoke the certification of an MCO at any time it establishes the criteria set forth in this regulation are no longer being met. The department may also suspend or revoke the certification of any MCO which has failed to honor its contractual responsibilities or which has engaged in any fraud or misrepresentation as part of its managed care activities. Any MCO so suspended or de-certified may request a hearing before the director or his designee concerning that suspension or de-certification.

(9) Dispute Resolution and Penalties.

(A) Any person who feels the requirements of this regulation have not been met or are not being adhered to by an MCO, an insurer, or any other person, may submit their concerns or complaints to the department for review. Formal written complaints shall be submitted on the standard department complaint form and shall be logged in the department's complaint database.

(B) The department shall review any formal complaint submitted. It may inquire into the surrounding circumstances and require additional information of the MCO, the insurer, the employer or other party as the situation warrants.

(10) Effective Date. This regulation shall become effective July 1, 2001.

*AUTHORITY: sections [287.320, RSMo Supp. 1992] 287.135, RSMo 1994 and 287.140 and 374.045, RSMo [1986] Supp. 1999. Emergency rule filed Aug. 31, 1992, effective Nov. 1, 1992, expired Feb. 28, 1993. Original rule filed April 14, 1992, effective Feb. 26, 1993. Amended: Filed Aug. 24, 2000.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions more than \$500 in the aggregate. See the attached fiscal note.*

*PRIVATE COST: This proposed amendment will cost private entities more than \$500 in the aggregate. See the attached fiscal note.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on November 20, 2000. The public hearing will be held at the Harry S Truman State Office Building, Room 490, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on November 20, 2000. Written statements shall be sent to Stephen R. Gleason, Department of Insurance, P.O. Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.*

## FISCAL NOTE PUBLIC ENTITY COST

### I. RULE NUMBER

**Title:** Department of Insurance

**Division:** Property and Casualty

**Chapter:** Workers' Compensation and Employer's Liability

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 20 CSR 500-6.700 Workers' Compensation Managed Care Organizations

### II. SUMMARY OF FISCAL IMPACT

| <u>Affected Agency or Political Subdivision</u> | <u>Estimated Cost of Compliance in the Aggregate</u>           |
|---|--|
| Department of Insurance                         | \$13,928.70 in the first year, \$4,770.30 annually thereafter. |

(Note on cost for the second and subsequent years: This fiscal note estimates an annual impact for the first year and the subsequent years separately. More effort will be required in the first year to administer the re-certification procedure for existing MCOs and to process the MCO Utilization Forms and procedures and protocols of insurers; in subsequent years, only amendments to these original materials will be necessary. The fiscal note estimates the cost for the second year of implementation; to calculate the impact for the third and succeeding years, the second year estimate should be multiplied by the appropriate inflation factor for the year in question.)

### III. WORKSHEET

| Department of Insurance: <u>Item</u> |                       |                           | <u>Annual Expense</u> |
|--------------------------------------|-----------------------|---------------------------|-----------------------|
| First Year                           | Work Comp Specialists | 399 hours @ \$21.6/hour   | \$ 8618.40            |
|                                      | Senior Counsel        | 179.5 hours @ \$28.2/hour | \$ 5061.90            |
|                                      | Clerical              | 12 hours @ \$12.6/hour    | \$ 151.20             |
|                                      | Consumer Services     | 4.5 hours @ \$21.6/hour   | <u>\$ 97.20</u>       |
|                                      |                       |                           | \$13,928.70           |
| Subsequent Years                     | Work Comp Specialists | 93.5 hours @ \$21.6/hour  | \$ 2,019.60           |
|                                      | Senior Counsel        | 95.5 hours @ \$28.2/hour  | \$ 2,693.10           |
|                                      | Clerical              | 2.0 hours @ \$12.6/hour   | \$ 25.20              |
|                                      | Consumer Services     | 1.5 hours @ \$21.6/hour   | <u>\$ 32.40</u>       |
|                                      |                       |                           | \$ 4,770.30           |

#### IV. ASSUMPTIONS

Department of Insurance: The proposed regulation will increase the duties of the Department of Insurance in its oversight of managed care in the worker's compensation insurance market. These duties will be performed by existing Workers' Compensation Specialists, Senior Counsel, Information Systems, and Clerical personnel, using existing equipment. These new duties will include the following:

| <b>Total Yearly Hours:<br/>First Year/Second Year</b> | <b>Additional Duties<br/>Workers' Compensation Specialists</b>   |
|---|--|
| 23 / 11.5   | Review initial MCO re-certification materials for compliance with regulation<br>Handle certification fees<br>Make follow-up inquiries as necessary on certifications<br>Recommend whether to certify MCO<br>Maintain current MCO list for public on web-site   |
| 220 / 30  | Create spreadsheet to track which insurers contract with which MCOs<br>Receive insurer MCO Utilization Forms, review for compliance with regulation<br>Enter data on which MCOs are used into spreadsheet<br>File MCO Utilization Forms in company files<br>Send duplicate "Filed" copy to carrier for its files<br>Create spreadsheet to track current insurer MCO protocols and procedures<br>Receive insurer MCO protocols and procedures<br>Update tracking spreadsheet, annotating any changes<br>File procedures and protocols in company file<br>Send duplicate "Filed" copy to carrier for its files<br>Make protocols and procedures available for copying on request |
| 156 / 52  | Receive any MCO complaints from Consumer Services<br>Respond to complaints or pass on to Senior Counsel as necessary   |
|   | <b>Senior Counsel</b>  |
| 11.5 / 5.75   | Check Specialist recommendations on MCO certifications/re-certifications<br>Issue Certification Forms  |
| 168 / 84  | Handle any MCO complaints not handled by W/C Specialist<br>Review any MCO-related disputes and issue written response<br>Provide written explanation for refusal to certify or for de-certification  |
|   | <b>Clerical</b>  |
| 12 / 2  | Enter TD2 Forms for insurer protocols and procedures filings<br>Enter TD2 Forms for insurer MCO Utilization Form filings<br>Update mail log regarding the above filings<br>Send carriers monthly bills regarding the above filings   |

**Information Systems/Consumer Services**

4.5 / 1.5

Add codes to MIDS system to track any MCO-related complaints  
Document any MCO-related complaints  
Process any MCO-related complaints

The above estimates use are based on the following assumptions:

- (1) The new duties required under the regulation can be performed by existing personnel in the Department of Insurance with existing equipment. This is possible because the regulation will relieve the Department's staff of current effort associated with handling questions and complaints on MCO issues without provisions or procedures to answer or resolve them. The above worksheet calculations used the current hourly level of reimbursement for the positions in question, which includes salary and fringe benefits (at 29.89% of salary).
- (2) There are currently 23 Workers' Compensation MCOs certified by the Department. The Department assumes this number will remain the same, although it also assumes some will cease operations and others will enter the market for the first time. The fiscal note assumes it will take a Workers' Compensation Specialist one hour to review the materials necessary to update an MCO's certification, stamp the materials, file them and mail return copies to the MCO, and 30 minutes for the Specialist's recommendation to be reviewed by Senior Counsel, who will either: a) grant certification and give a new certification form; or, b) deny such certification and give a written explanation for that denial. In the second and subsequent years, the Department assumes the Workers' Compensation Specialists will spend 30 minutes per MCO processing annual MCO updates and the Senior Counsel will spend 15 minutes preparing and mailing annual renewal certificates.
- (3) According to Department statistics, there are roughly 300 insurance companies writing workers compensation insurance in Missouri. It is assumed that of these, 200 will opt to file MCO Utilization Forms and protocols and procedures that either specify those MCOs the insurer will agree to reimburse or that deny or limit the insurer's payments to MCOs with whom the insurer has no formal contractual agreements. It is estimated that it will take a Workers' Compensation Specialist one hour (200 total hours) to review the filings to make sure the MCO Utilization Forms comply with the regulation, stamp both the MCO Utilization forms and protocols and procedures, file them, return copies to the carrier for its records and update the computer lists of insurer MCO designations and of the current protocols and procedures filings. In subsequent years, it is assumed that one-tenth (20) hours will be required to update said filings. Additional 20 hours will be required to create the databases and to assist in providing copies to MCOs and the public upon request in the first year, and 10 hours a year thereafter.
- (4) It is also assumed that the remaining 100 insurers will not file either MCO Utilization Forms or protocols and procedures, indicating they will work with whichever MCOs their insured employers select. This is in part because these insurers are covering a limited number of employers on an "accommodation" basis as part of a package of other coverages, and therefore have little interest new workers' compensation business or in developing a comprehensive Missouri workers' compensation managed care strategy.
- (5) The Department anticipates approximately one complaint a week regarding the proposed regulation, each of which will require on average, three hours of a Workers' Compensation Specialist's time to investigate, make a determination regarding, and respond to in the first year of the regulation. In subsequent years the Department assumes the number of complaints will diminish to a third of this level. Those that cannot be resolved by the Specialists will be referred to Senior Counsel, who it is assumed will spend approximately one working month in the first year attempting to resolve these complaints, and half a month per year in subsequent years.
- (6) Clerical work will include processing insurer filings and assisting MCOs and members of the public who wish to

receive copies of materials filed with the Department. Because 200 filings are anticipated in the first year, and because 20 transmittal documents (TD2 Forms) can be processed in an hour, it is estimated that it will take 10 hours to process these filings, and a tenth of that in subsequent years. An additional 2 hours will be needed to maintain mail logs, send out monthly bills and assist the public in copying MCO-related materials in the first year, a one hour in subsequent years.

(7) A minimal amount of Information Systems time will be needed to add Workers' Compensation MCOs to the Department's complaint database and train staff to recognize this new category. Additionally, Consumer Services staff will have to process any formal complaints and send them to the Department's Workers' Compensation Specialists, which should take approximately 5 minutes per complaint.

### FISCAL NOTE PRIVATE ENTITY COST

#### I. RULE NUMBER

**Title:** Department of Insurance

**Division:** Property and Casualty

**Chapter:** Workers' Compensation and Employer's Liability

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 20 CSR 500-6.700 Workers' Compensation Managed Care Organizations

#### II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimate in the aggregate as to cost of compliance with the rule by the affected entities:  |
|--|---|---|
| 23   | Department-Certified Workers' Compensation Managed Care Organizations (MCOs)    | \$34,500 (\$1,500 per MCO) in the first year, \$13,800 (\$600 per MCO) annually thereafter. |
| 300  | Missouri-Licensed Workers' Compensation Insurers                                | \$550,000 in the first year, \$63,100 in subsequent years.                                  |

(Note on cost for the second and subsequent years: This fiscal note estimates an annual impact for the first year and the subsequent years separately. More effort will be required in the first year to administer the re-certification procedure for existing MCOs and to process the MCO Utilization Forms and procedures and protocols of insurers; in subsequent years, only amendments to these original materials will be necessary. The fiscal note estimates the cost for the second year of implementation; to calculate the impact for the third and succeeding years, the second year estimate should be multiplied by the appropriate inflation factor for the year in question.)

#### III. WORKSHEET

##### MCO Costs

In the proposed regulation's first year, the currently certified MCOs will have to re-submit the materials required to update their certifications. The Department estimates that it will cost these MCOs the equivalent of \$500 each for the time and materials involved in this re-submission process. In subsequent years, the only materials which will be required to be filed will be those necessary to update these initial re-certification materials, which the Department



estimates will require one-fifth the resources, or \$100 per MCO.

In addition, the proposed regulation specifies a \$1,000 certification fee for each MCO for the initial year and \$500 each subsequent year of the regulation.

#### **Insurer Costs**

Of the approximately 300 workers' compensation insurers licensed to write workers compensation insurance in Missouri, it is presumed that of these, two-thirds (200) will opt either to designate the MCOs with whom they will deal and also to file protocols and procedures limiting payments to MCOs. This will require the filing of one set of materials with the Department in the initial year (MCO Utilization Forms and protocols and procedures), with one-tenth that number (20) filing amendments in subsequent years. Under Section 374.230, RSMo, the cost of each such filing is \$50. The cost of such filings will be \$10,000 in the first year and \$1,000 in the second and subsequent years.

There will be additional costs to insurers to comply with the regulation. Those insurers that decide to select their own MCOs or limit MCO payments will be required to notify their insureds via an MCO Utilization Form, which will have to be signed by the insured and retained in the insurer's policy files. Insurance company personnel and their agents will need to be notified of these new forms and how to process them. Those insurers who allow their insured employers to choose their own MCOs will have to instruct their sales and claims staffs of this decision and may develop explanatory materials for prospective insureds. The Department estimates that the cost of such steps will be approximately \$10 per insured employer, regardless of the option selected, in the first year, half of that amount (\$5) in subsequent years. According to the National Council on Compensation Insurance, Inc. (NCCI), there are 54,000 employers insured for workers' compensation coverage in Missouri. Therefore, the cost of such implementation will be \$540,000 in the first year. NCCI data also indicates that in the current work comp environment, only 23% of employers are switching from one carrier to another outside the original carrier's group. Since these will be the only employers who will receive the regulation's MCO Utilization Forms or other insurer materials after the initial year of implementation, the out-year cost will be  $(54,000 * .23 * \$5)$  or \$62,100.

#### **IV. ASSUMPTIONS**

##### **MCO Costs**

Rule 20 CSR 500-6.700 was originally promulgated in 1992 to implement a provision of Section 287.320 RSMo (since repealed) that authorized a premium credit to employers who selected a state-certified workers' compensation MCO. While the regulation required that insurers provide such a premium credit, it did not require the reimbursement of MCOs for their services. In 1993, the General Assembly repealed Section 287.320, RSMo and adopted what is currently Section 287.135, RSMo, which directed the Department of Insurance to promulgate a regulation on the payment of MCO fees. Because no regulation on MCO fees has been in place since 1992, MCOs have had to adapt, being paid only by those insurers who voluntarily agreed to such reimbursements or by insured and self-insured employers.

Because the proposed regulation relies on market forces and voluntary agreements between insurers, employers and MCOs regarding MCO reimbursement, the Department assumes there will be little change from the current reimbursement environment. Because employers will be reminded of the MCO issue as part of the process of procuring new coverage, the regulation should reduce the number of instances where an MCO, confident of reimbursement because the employer's prior carrier had agreed to it, delivers service only to learn that the employer's new carrier will not agree. This will save MCOs from absorbing the cost of such services. On the other hand, because the regulation specifies a procedure by which insurers can limit the number of MCOs to be reimbursed

by them, MCOs may see a reduction in business should some insurers choose to become more restrictive. The Department assumes the two effects will cancel each other, resulting in no net impact on MCOs.

**Employer Costs**

This fiscal note also does not estimate an impact on insured employers. While the use of MCOs should help, in the aggregate, to reduce the medical losses and possibly the indemnity losses, the cost to employers of their workers' compensation insurance is determined by their insurers as part of the insurers' rate setting function, and it is up to insurers to decide whether and to what extent any savings realized will be passed on to employers. Those employers who choose to use an MCO which will not be reimbursed by their carrier will presumably have concluded that the net effect of having to pay these MCO fees themselves is at least than offset by the savings realized by using that MCO.

**Health Care Providers Costs**

This fiscal note does not estimate an impact on health care providers of the proposed regulation, for two reasons: 1) Certified MCOs have been in operation under the prior version of the proposed regulation since November 1, 1992. There are currently 23 active certified MCOs in Missouri. The fiscal note assumes that any health care providers who desired to join an MCO would already have done so and are therefore currently providing services at the discounted rates which would merely be continued under the proposed regulation; and, 2) Nothing in the regulation limits health care provider reimbursements to amounts less than that allowed by Section 287.140.3, RSMo, without the provider's consent. Providers are free to charge their usual and customary fee unless they have voluntarily agreed to discount those fees under a contract with an MCO.

Exhibit A

MCO Utilization Form

A workers' compensation managed care organization (or "MCO") is a system designed to provide incentives to medical care providers to manage the cost and use of care associated with claims covered by workers' compensation insurance. These MCOs provide a network of physicians, specialists, hospitals and rehabilitation centers under the coordination of a medical director with experience with the Missouri workers' compensation system.

In addition, these MCOs frequently provide certain non-health services which have been found to be useful in controlling costs, such as pre-certification, utilization review, provider bill auditing, bill re-pricing, cost savings analysis, educational services to employers; and, continuing education programs for health care providers.

Under Section 287.140(10) of the Revised Statutes of Missouri, you the employer, not your insurer, have the right to select the physicians and other health care providers who provide the medical care to your injured employee. However, under Section 287.135, RSMo, *both* the employer and the insurance company have the right to select an MCO. It is important for an employer to understand this because an employer may be responsible for reimbursing an MCO he selects for the types of fees. (Insurance Company Name) has on file with the Missouri Department of Insurance procedures and protocols which indicate which MCO services may be performed by an MCO selected by the employer *and* also reimbursed by (Insurance Company Name).

Optional Provisions: [In addition, (Insurance Company Name) has selected the following MCOs to provide managed care services to the employees of their insured policyholders for the following counties:

(MCO Name, Region)  
(MCO Name, Region)

...

(Insurance Company Name) encourages you to take advantage of the services available from these MCOs, because (Insurance Company Name) has already entered into voluntary agreements with the above MCOs concerning their reimbursement and the coordination and integration with (Insurance Company Name)'s systems.]

When evaluating MCOs, the Missouri Department of Insurance suggests employers consider:

1. The size and geographic area of the network of providers in relation to that of your business;
2. The type and quality of the providers in the network;
3. Who owns the MCO network and how that might affect your interests;
4. The MCO's philosophy;
5. The possible savings you may realize by using the MCO and the possible costs; and,
6. Whether the particular health care providers you typically use are in the MCO's network.

Remember, as the employer, you have the ultimate right to choose the health care provider, regardless of whether that provider is in a particular MCO network.

I have read the above and understand that I may be responsible for the fees of any MCO I select which does not coordinate its procedures with my insurer [or is not one of those MCOs listed above].

---

Name of Employer

---

Signature of Authorized Representative of Employer

---

Policy Number

Exhibit B

Certification Form

**Certificate of Authority**  
Managed Care System for Workers' Compensation

---

It is Hereby Certified That

(Enter name of Managed Care Organization)

meets the certification requirements of Section 287.135 of the Revised Statutes of Missouri and Regulation 20 CSR 500-6.700.  
(Enter name of MCO) has been assigned the following departmental identification number: MCO No. XX.

This certificate shall remain in full force and effect for a period of one year unless suspended or revoked by the Director.

IN WITNESS WHEREOF, I have hereto set my hand and caused to be hereto  
affixed the Seal of said Department. Done in my office in the City of Jefferson, this  
( Enter date ).

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Director of Insurance

**Title 20—DEPARTMENT OF INSURANCE  
Division 500—Property and Casualty  
Chapter 10—Mortgage Guaranty Insurance**

**PROPOSED AMENDMENT**

**20 CSR 500-10.100 Definitions.** The department is amending section (1).

*PURPOSE: This amendment raises the amount of permissible indebtedness to 100% from 97% consistent with the recent amendment to section 443.415 RSMo, (S.B. 896 Effective August 28, 2000). This amendment is promulgated pursuant to section 374.045, RSMo.*

(1) As used in this chapter—

(A) Authorized real estate security means an amortized note bond or other evidence of indebtedness, not exceeding [ninety-seven percent (97%)] **one hundred percent (100%)** of the fair market value of the real estate, secured by a mortgage, deed of trust or other instrument constituting a first lien or charge on real estate, provided—

1. The real estate loan secured in that manner is one authorized to be made by a bank, savings and loan association or an insurance company, which entity is supervised and regulated by a department of this state or an agency of the federal government; however, in the case of residential real estate loans only, the list of entities in this paragraph shall include mortgage bankers and mortgage brokers supervised and regulated by a department of this state or an agency of the federal government; or

2. The lien on that real estate may be subject and subordinate to the following:

A. The lien of any public bond, assessment or tax, when no installment, call or payment of or under the bond, assessment or tax is delinquent; or

B. Outstanding mineral, oil or timber rights, rights-of-way, easements or rights-of-way or support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use or outstanding leases upon real property under which rents or profits are reserved to the owner;

*AUTHORITY: section 374.045, RSMo [1994] Supp. 1999. Original rule filed April 11, 1996, effective Nov. 30, 1996. Amended: Filed Aug. 31, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment is scheduled for November 16, 2000 at 10:00 a.m. in Room 630, Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance prior to the hearing, Attn: Eric Martin, P.O. Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-2619 at least five working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 500—Property and Casualty  
Chapter 10—Mortgage Guaranty Insurance**

**PROPOSED AMENDMENT**

**20 CSR 500-10.300 Unfair Acts or Practices.** The department is amending section (1) and deleting section (2).

*PURPOSE: This amendment removes the notice requirement because federal law imposes a similar notice requirement directly on lenders. This amendment is promulgated pursuant to section 375.948, RSMo.*

(1) An insurer issuing or proposing to issue mortgage guaranty insurance commits the unfair act or practice of “misrepresentation and false advertising of insurance policies” as defined in section 375.936(6)(a), RSMo (1994), unless the insurer: 1) shall adopt, print and make available a schedule of premium charges for mortgage guaranty insurance policies. The schedule shall show the entire amount of premium charge for each type of mortgage guaranty insurance policy issued by the company[;]. [ and 2) at the time of policy or certificate issuance to the debtor responsible for paying the premium charges, the insurer makes or causes to be made the disclosure required in section (2) of this rule.]

[[2) Insurers shall make the following disclosure to the borrower in writing in at least fourteen (14)-point type font, as required by this rule:

*Notice to Borrower:*

*Your lender has decided to purchase private mortgage insurance (PMI) from us (the insurer). PMI provides insurance coverage to the lender if you default on the loan for the purchase or lease of your home or other real estate.*

*Often, a lender who purchases private mortgage insurance from us will require you to repay the lender for the cost of the insurance premiums. However, the lender will often eliminate this repayment requirement if your loan reaches a certain loan-to-value (LTV) ratio. The LTV is the ratio of your loan to the lesser of the appraisal or the purchase price of your home or other real estate.*

*For further details regarding both the extent to which you are required to repay PMI premiums and when you may terminate PMI premium repayments, please contact your lender.]*

*AUTHORITY: section 375.948, RSMo 1994. Original rule filed April 11, 1996, effective Nov. 30, 1996. Amended: Filed Aug. 31, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment is scheduled for November 16, 2000 at 10:00 a.m. in Room 630, Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance prior to the hearing, Attn: Eric Martin, P.O. Box 690, Jefferson City, MO 65102.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify us at (573) 526-2619.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page of pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2000-2001 seasons.

**3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits**

*PURPOSE: This amendment adjusts the season dates and bag limits for hunting waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2000-2001 seasons.*

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all water-

fowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(F) Ducks and coots may be taken from one-half (1/2) hour before sunrise to sunset from October 26 through December 24 in the North Zone (that portion of Missouri north of a line running west from the Illinois border on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy. 50; and west on U.S. Hwy. 50 to the Kansas border); from November 16 through January 14 in the South Zone (that portion of the state south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to Mo. Hwy. 32; south on Mo. Hwy. 32 to Mo. Hwy. 97; south on Mo. Hwy. 97 to Dade County Hwy. NN; west on Dade County Hwy. NN to Mo. Hwy. 37; west on Mo. Hwy. 37 to Jasper County Hwy. N; west on Jasper County Hwy. N to Jasper County Hwy. M; and west on Jasper County Hwy. M to the Kansas border); and from November 2 through December 31 in the Middle Zone (remainder of Missouri). Ducks and coots may be taken by youth hunters less than sixteen (16) years of age from one-half (1/2) hour before sunrise to sunset from October 21 through October 22 in the North Zone, from October 28 through October 29 in the Middle Zone and from November 11 through November 12 in the South Zone. Youth hunters must be accompanied by an adult eighteen (18) years of age or older who cannot hunt. Adults must be licensed unless the youth hunter possesses a valid hunter education certificate card. Limits are as follows:

1. Coots—Fifteen (15) daily; thirty (30) in possession.

2. Ducks—The daily bag limit of ducks is six (6) and may include no more than four (4) mallards (no more than two (2) of which may be a female), three (3) scaup, two (2) wood ducks, one (1) black duck, two (2) redhead, one (1) hooded merganser, one (1) canvasback and one (1) pintail. The possession limit is twelve (12), including no more than eight (8) mallards (no more than four (4) of which may be female), six (6) scaup, four (4) wood ducks, two (2) black ducks, four (4) redheads, two (2) hooded mergansers, two (2) canvasbacks and two (2) pintails.

(G) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Blue, snow, and Ross' geese may be taken from October 26 through January 31 in the North Zone and Swan Lake Zone, from November 2 through January 31 in the Middle Zone, and from November 16 through January 31 in the South Zone and Southeast Zone.

2. White-fronted geese may be taken from September 30 through October 8, October 26 through November 26 and December 23 through January 31 in the North Zone, from September 30 through October 8, November 2 through November 26, and December 23 through January 31 in the Middle Zone; from October 26 through November 26 and from December 16 through January 31 in the Swan Lake Zone; and from September 30 through October 8 and from November 16 through January 31 in the Southeast Zone and South Zone.

3. In the Swan Lake Zone, Canada geese and brant may be taken from October 26 through November 26 and from December 16 through January 14. In the Swan Lake Zone, no hunter shall fire more than ten (10) shells daily at Canada geese during the Canada goose season.

4. In the Southeast Zone and South Zone, Canada geese and brant may be taken from September 30 through October 8, from November 16 through November 26 and December 16 through January 31.

5. Except in the Swan Lake Zone, Southeast Zone and South Zone, Canada geese and brant may be taken from September 30 through October 8, October 26 through November 26 and December 23 through January 20 in the North Zone and from September 30 through October 8, November 2 through November 26, and December 23 through January 20 in the Middle Zone.

6. The daily bag limit is twenty (20) blue, snow or Ross' geese, two (2) brant and two (2) white-fronted geese statewide. The possession limits for brant and white-fronted geese are four (4) each and there is no possession limit for blue, snow and Ross' geese.

7. The daily bag limit is two (2) Canada geese in the Swan Lake Zone. The possession limit is four (4) Canada geese.

8. Except for the Swan Lake Zone, the daily bag limit is three (3) Canada geese from September 30 through October 8 and two (2) Canada geese thereafter. The possession limit is six (6) Canada geese from September 30 through October 8 and four (4) Canada geese thereafter.

9. Geese may be taken by youth hunters in the North Zone and the Swan Lake Zone from October 21 through October 22, in the Middle Zone and Southeast Zone from October 28 through October 29, and in the South Zone from November 11 through November 12. The daily bag limit is twenty (20) blue, snow, and Ross' geese, two (2) white-fronted geese, two (2) brant, and two (2) Canada geese. The possession limits for brant, white-fronted geese and Canada geese are four (4) each and there is no possession limit for blue, snow, and Ross' geese.

10. Zones: The Swan Lake Zone shall be the area bounded by U.S. Hwy. 36 on the north, Mo. Hwy. 5 on the east, Mo. Hwy. 240 and U.S. Hwy. 65 on the south, and U.S. Hwy. 65 on the west. The North Zone shall be that portion of the state north of a line running west from the Illinois border on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy. 50; west on U.S. Hwy. 50 to the Kansas border excluding the Swan Lake Zone. The South Zone shall be that portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to Mo. Hwy. 32; south on Mo. Hwy. 32 to Mo. Hwy. 97; south on Mo. Hwy. 97 to Dade County Hwy. NN; west on Dade County Hwy. NN to Mo. Hwy. 37; west on Mo. Hwy. 37 to Jasper County Hwy. N; west on Jasper County Hwy. N to Jasper County Hwy. M; west on Jasper County Hwy. M to the Kansas border. The Middle Zone shall be the remainder of Missouri excluding the Southeast Zone (that portion of the state west of a line beginning at the intersection of Mo. Hwy. 34 and Interstate Hwy. 55, south of Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; east on Mo. Hwy. 72 to Mo. Hwy. 34; east on Mo. Hwy. 34 to Interstate Hwy. 55).

(I) The hunting season for blue, snow and Ross' geese is closed statewide beginning February 1, 2001 in order to implement the federal Arctic Tundra Habitat Emergency Conservation Act which became law on November 24, 1999.

1. Persons who possess a valid migratory bird permit may chase, pursue, and take blue, snow and Ross' geese between the hours of one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset from February 1 through April 30, 2001. Any other regulation notwithstanding, methods for the taking of blue, snow and Ross' geese includes using shotguns capable of holding more than three shells, and with the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. Exceptions to the above per-

mit requirement include landowners or lessees, as described in this code, and persons fifteen (15) years of age or younger, provided s/he is in the immediate presence of a properly licensed adult or has in his/her possession a valid hunter education certificate card. A daily bag limit will not be in effect February 1 through April 30.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 28, 2000, effective **September 7, 2000**.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 9—Wildlife Code: Confined Wildlife:**  
**Privileges, Permits, Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.442 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-9.442 by adjusting the season for waterfowl hunting by falconers in 2000–2001 to conform to federal frameworks.

**3 CSR 10-9.442 Falconry**

*PURPOSE: This amendment adjusts the season dates for hunting waterfowl by falconry for the 2000–2001 season as provided in the frameworks established by the U.S. Fish and Wildlife Service.*

(2) Only designated types and numbers of birds of prey may be possessed and all these birds shall bear a numbered, nonreusable marker provided by the department. Birds held under a falconry permit may be used, without further permit, to pursue and take wildlife within the following seasons and bag limits:

(E) Ducks, mergansers and coots may be taken from September 9 through September 24 and from October 16 through January 14 from one-half (1/2) hour before sunrise to sunset. Daily limit: three (3) birds singly or in the aggregate, including doves; possession limit: six (6) birds singly or in the aggregate, including doves.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 28, 2000, effective **September 7, 2000**.

**Title 4—DEPARTMENT OF ECONOMIC**  
**DEVELOPMENT**  
**Division 200—State Board of Nursing**  
**Chapter 4—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Nursing under sections 335.036(2) and (7), 335.046 and 335.051, RSMo Supp. 1999, the board amends a rule as follows:

**4 CSR 200-4.020 Requirements for Licensure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1561-1562). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Urban and Teacher Education  
Chapter 800—Teacher Certification and Professional  
Conduct and Investigations**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011 and 168.400, RSMo 1994 and 168.021, RSMo Supp. 1999, the board rescinds a rule as follows:

**5 CSR 80-800.010 Certification Standards for Teachers in  
Missouri Public Schools is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1416). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Urban and Teacher Education  
Chapter 800—Teacher Certification and Professional  
Conduct and Investigations**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

5 CSR 80-800.200 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1416-1419). Changes have been made in the text of the proposed rule as well as in the *Compendium of Missouri Certification Requirements* which is incorporated by reference. Those sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education has received several comments on this proposed rule.

COMMENT: The State Board of Education received comments regarding the background check procedures; asking for annual

checks with the Highway Patrol, FBI, and Division of Family Services; objecting to applicants with a Ph.D. in the content area taking the exit assessment; supporting and objecting to individuals holding a certificate of license to teach taking the content knowledge and specialty area test to receive an additional certificate of license to teach (especially in the special education, library science, and music areas); deleting the term endorsement; questioning the GPA required for issuance of certificates of license to teach; supporting the issuance of a certificate of license to teach to a National Board certified teacher without taking the exit assessment; and asking for the withdrawal of all the proposed rules to allow for more time to review. In addition, an internal review found some formatting errors in the incorporated by reference material.

RESPONSE AND EXPLANATION OF CHANGE: The State Board has carefully reviewed the comments, corrects the formatting errors, and agrees to make the following changes in the proposed rule and the incorporated by reference material, the *Compendium of Missouri Certification Requirements*. The State Board further notes that each applicant undergoes Highway Patrol and FBI checks. The State Board agrees to delete the exit assessment requirement for initial Ph.D. certificates of license to teach; change the areas of special education which may be certified with the exit assessment; change the term endorsements to certificates of license to teach; and add GPA requirements.

The title, section (5)(B), (7), and (8) are reprinted here for clarity.

**5 CSR 80-800.200 Application for Certificate of License to Teach**

(5) An applicant for a Missouri certificate of license to teach who has successfully completed a state-approved teacher preparation program must comply with the following additional criteria:

(B) The applicant must possess a grade point average of 2.5 or higher on a 4.0 scale, both overall and in the major area of study;

(7) An applicant for an initial Missouri certificate of license to teach who has earned a Doctor of Philosophy degree (Ph.D.) from an institution of higher education accredited by a regional accreditation agency including but not limited to North Central Association of Colleges and Schools must comply with the following additional criteria:

(A) The applicant must have completed and provide documentation of a valid Ph.D. degree being conferred in their major area of post-graduate study; and

(B) The applicant may only be granted a professional classification I (PC I) level and/or a PC II level certificate of license to teach pursuant to the rules promulgated by the board. A CPC level certificate of license to teach will not be issued.

(8) Additional certificates of license to teach may be granted as follows:

(A) The applicant may take the appropriate content knowledge or specialty area exit assessment(s) for certification and must achieve a score equal to or in excess of the qualifying score on the content knowledge or specialty area exit assessment(s) as defined in the rules promulgated by the board; or

(B) If the board has not designated a content knowledge or specialty area exit assessment(s) for a particular certification area or grade level or the applicant chooses not to take the appropriate content knowledge or specialty area exit assessment(s), the applicant must meet the certification standards for the area of certification as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.



**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Urban and Teacher Education  
Chapter 800—Teacher Certification and Professional  
Conduct and Investigations**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board rescinds a rule as follows:

**5 CSR 80-800.210** Application for Certificate of License to Teach and/or Endorsement for Individuals Possessing a Certificate of License to Teach from Another State **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1420). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Urban and Teacher Education  
Chapter 800—Teacher Certification and Professional  
Conduct and Investigations**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

5 CSR 80-800.220 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1420-1424). Changes have been made in the text of the proposed rule as well as in the *Compendium of Missouri Certification Requirements* which is incorporated by reference. Those sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education has received several comments on this proposed rule.

COMMENT: The State Board of Education has received comments regarding the background check procedures; asking for annual checks with the Highway Patrol, FBI, and Division of Family Services; deleting the term endorsement from the rule; supporting making the administrators certificate a stand alone certificate of license to teach; supporting and objecting to the deletion of teaching experience for superintendents; questioning the doctorate/specialist degree and renewal requirements; objecting to the requirements for membership and meeting attendance with certain organizations; questioning the length of teaching experience, work experience and renewal requirements for vocational directors; and asking for the withdrawal of all the proposed rules to allow for more time to review. In addition, an internal review found some formatting errors in the incorporated by reference material.

RESPONSE AND EXPLANATION OF CHANGE: The State Board has carefully reviewed the comments, corrects the formatting errors, and agrees to make the following changes in the proposed rule and the incorporated by reference material, the *Compendium of Missouri Certification Requirements*. The State Board notes that each applicant undergoes Highway Patrol and FBI checks. The State Board changes the term endorsement to certificates of license to teach; deletes the requirements of certain work experience, membership and attendance at particular meetings, and changes the length of teaching experience for vocational directors.

The title and sections (12), (20), (21), and (22) are reprinted here for clarity.

**5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators**

(12) The applicant for an administrator certificate of license to teach as a vocational director must comply with the following additional criteria:

(A) The applicant must possess a masters degree or higher from a state-approved college or university;

(B) The applicant must possess a valid Missouri certificate of license to teach in the content area of secondary education and/or vocational-technical;

(C) The applicant must possess two (2) years of full-time teaching experience at the level grade 7-adult, as approved by the department;

(D) The applicant must possess two (2) years of full-time teaching experience in practical arts or vocational-technical education.

(20) An administrator certificate of license to teach may be issued for a vocational director for a period of five (5) years and may be renewed for an additional five (5) years. The requirements for renewal are as follows:

(A) Completion of the Vocational Leadership Academy focused upon general and vocational administration from a state-approved college or university to prepare vocational education administrators. The Vocational Leadership Academy shall include the competencies identified for the certificate of license to teach;

(B) Achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE;

(C) Confirmed attendance at three (3) vocational education conferences;

(D) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least thirty (30) clock hours; and

(E) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(21) A ten (10)-year administrator certificate of license to teach as a vocational director may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Confirmed attendance at eight (8) vocational education conferences;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(C) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(D) Evidence of six (6) graduate semester hours toward an advanced degree from a state-approved college or university.

(22) The ten (10)-year administrator certificate of license to teach as a vocational director may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school administration during the previous ten (10) years;

(B) Confirmed attendance at eight (8) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(D) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of one of the following:

1. An advanced degree; or

2. A Professional Development Agreement approved by the assistant commissioner of Vocational and Adult Education that includes graduate courses and/or professional development activities equivalent to nine (9) semester hours of graduate credit.

## **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

### **Division 80—Urban and Teacher Education**

#### **Chapter 800—Teacher Certification and Professional Conduct and Investigations**

### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

5 CSR 80-800.230 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1425-1430). Changes have been made in the text of the proposed rule as well as in the *Compendium of Missouri Certification Requirements* which is incorporated by reference. Those sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The State Board of Education has received numerous comments on this proposed rule.

**COMMENT:** The State Board of Education received comments regarding background check procedures; asking for annual checks with the Highway Patrol, FBI, and Division of Family Services; supporting and objecting to the deletion of teaching experience; supporting making the certificate a stand alone certificate of license to teach; supporting and objecting to individuals holding a certificate of license to teach taking the content knowledge and specialty area test to receive an additional certificate of license to teach; questioning the work experience for post-secondary vocational counselors, placement coordinators, and vocational evaluators; questioning the doctorate/specialist degree and renewal requirements; objecting to the requirements for membership and meeting attendance with certain organizations; deleting the term endorsements; noting no content knowledge area test currently exists for counselors, school psychological examiners and school psychologists and questioning the use of the Principles of Learning and Teaching test; changing the name from “pupil personnel services”; expanding the criteria for issuance to include certain graduate curriculum; suggesting a change in the specialization grade levels; and asking for the withdrawal of all the proposed rules to

allow for more time to review. In addition, an internal review found some formatting errors in the incorporated by reference material.

**RESPONSE AND EXPLANATION OF CHANGE:** The State Board carefully reviewed the comments, corrects the formatting errors, and agrees to make the following changes in the proposed rule and the incorporated by reference material, the *Compendium of Missouri Certification Requirements*. The State Board notes that each applicant undergoes Highway Patrol and FBI checks. The State Board agrees to adopt most all the collaborative work on the proposed rule by the Missouri School Counselor Association and the Counselor Educators Group. Specifically, the State Board agrees to add an effective date of September 1, 2001, for the exit assessment; deletes the requirement of certain work experience, membership and attendance at particular meetings; changes the term endorsements to certificates of license to teach; changes the title from “pupil personnel services” to “student services”; changes the specialization grade levels for counselors from 9-12 to 7-12; and expands the criteria for the certificate of license to teach to include certain graduate curriculum.

The title, purpose, sections (1), (2), (5)–(25) are reprinted here for clarity.

#### **5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach**

**PURPOSE:** *The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a student services certificate of license to teach for counselors, advanced counselors, school psychological examiners, school psychologists, vocational adult education supervisors, post-secondary vocational counselors, placement coordinators and vocational evaluators.*

(1) An applicant for a student services certificate of license to teach may be granted in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the criteria established in the rules promulgated by the board, to an individual who possesses good moral character:

(A) School Guidance Program Personnel:

1. School counselor, grades K–8, grades 7–12, and/or K–12; and/or

2. Advanced school counselor, grades K–12;

(B) School Psychological Services Personnel:

1. School psychological examiner, grades K–12; and/or

2. School psychologist, grades K–12; and/or

(C) Vocational Services Personnel:

1. Vocational adult education supervisor;

2. Post-secondary vocational counselor (excluding K–12);

3. Placement coordinator; and/or

4. Vocational evaluator.

(2) Applications for a student services Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher Certification Section of the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(5) The applicant for a student services certificate of license to teach as a school counselor or advanced school counselor must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters or higher level school counselor preparation program; and

(B) The applicant must possess either:

1. A masters or higher degree in school counseling from a state-approved school counselor preparation program; or

2. A masters or higher degree in counseling or counseling psychology, with additional graduate coursework specific to school counseling, as designated by the state-approved recommending certification official, including a supervised internship or field experience of at least 300 hours in an appropriate school setting; and

(C) The applicant must either:

1. Possess a bachelor's degree in education from a state-approved teacher preparation program; or

2. Complete a curriculum in teaching methods and practices, classroom management and the psychology of the exceptional child, as specified by the recommending certification officer of the state-approved program; and

(D) Beginning September 1, 2001, the applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to the Department of Elementary and Secondary Education (DESE).

(6) The applicant for a student services certificate of license to teach as an advanced school counselor must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters in school counseling or higher level program for the preparation of school counselors;

(B) The applicant shall complete a planned program of at least thirty (30) semester hours of graduate credit culminating in an educational specialist or doctoral degree with a major emphasis in school counseling from a state-approved program for the preparation of school counselors; and

(C) Beginning September 1, 2001, the applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(7) The applicant for a student services certificate of license to teach as a school psychological examiner must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters or higher level school psychological examiner preparation program; and

(B) The applicant must possess either:

1. A masters or higher degree from a state-approved school counselor preparation program; or

2. A masters or higher degree in counseling and counseling psychology, or an approved related field; and complete a designated graduate curriculum in the practice of the school psychological examiner, as specified by the recommending certification program, including a supervised internship or field experience in school psychological assessment of at least 150 hours in an appropriate school setting.

(8) The applicant for a student services certificate of license to teach as a school psychologist must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved school psychologist preparation program;

(B) The applicant must possess a degree in school psychology from a state-approved program; and

(C) Beginning September 1, 2001, the applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE.

(9) The applicant for a student services certificate of license to teach as a vocational adult education supervisor must comply with the following additional criteria:

(A) The applicant must possess a baccalaureate level or higher degree from a state-approved college or university.

(10) The applicant for a student services certificate of license to teach as a post-secondary vocational counselor must comply with the following additional criteria:

(A) The applicant must possess a masters or higher level degree in school counseling, rehabilitation counseling or educational and counseling psychology from a state-approved college or university; and

(B) The applicant must possess two (2) years of teaching or counseling experience.

(11) The applicant for a student services certificate of license to teach as a placement coordinator must comply with the following additional criteria:

(A) The applicant must possess a valid, unencumbered, undisciplined professional license or certificate from Missouri as a counselor; or

(B) The applicant must possess a Missouri certificate of license to teach as a counselor; or

(C) The applicant must possess a Missouri certificate of license to teach as a vocational teacher.

(12) The applicant for a student services certificate of license to teach as a vocational evaluator must comply with the following additional criteria:

(A) The applicant must possess a masters or higher level degree in vocational evaluation, counseling, or a closely related area from a state-approved college or university or possess a baccalaureate degree in rehabilitation services with an emphasis in vocational evaluation from a state-approved college or university.

(13) Additional certificates of license to teach may be granted pursuant to rules promulgated by the board.

(14) An applicant for a Missouri student services certificate of license to teach who possesses a valid certificate of license to teach from another state closely aligned to a current certification area approved by the board and possesses good moral character may be granted a Missouri certificate of license to teach.

(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(15) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(16) A student services certificate of license to teach may be issued for a school counselor, school psychological examiner and/or school psychologist for a period of five (5) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor, school psychological examiner, or school psychologist in a school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by DESE; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university; or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors, school psychological examiners, or school psychologists.

(17) A student services certificate of license to teach may be issued for an advanced school counselor for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor in school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by DESE; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to counselors from a state-approved college or university appropriate to school counselors or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors.

(18) If a school counselor, advanced school counselor, school psychological examiner, and/or school psychologist seeks to renew their student services certificate of license to teach, however, the individual has not been employed in a school setting, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing eight (8) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university.

(19) A student services certificate of license to teach may be issued for a vocational adult education supervisor, for a period of five (5) years and may be renewed once by meeting the following criteria:

(A) Completion of the Vocational Leadership Academy focused upon general and vocational administration from a state-approved college or university to prepare vocational education supervisors. The Vocational Leadership Academy shall include the competencies identified for the certificate of license to teach;

(B) Confirmed attendance at three (3) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities,

or curriculum development totaling at least fifteen (15) clock hours; and

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(20) A ten (10)-year student services certificate of license to teach as a vocational adult education supervisor may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Confirmed attendance at eight (8) vocational education conferences;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(C) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(21) The ten (10)-year student services certificate of license to teach as a vocational adult education supervisor may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school supervision during the previous ten (10) years;

(B) Confirmed attendance at eight (8) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours;

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of two (2) graduate semester hours related to adult vocational education.

(22) A nonrenewable student services certificate of license to teach may be issued for a post-secondary vocational counselor for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a post-secondary vocational counselor may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of two (2) years out of the previous five (5) years experience in counseling at the post-secondary level;

(B) Successful completion of a course in vocational education (if not taken as part of the individual's masters or higher level program);

(C) Confirmed attendance at eight (8) vocational education conferences; and

(D) Completion of one (1) of the following requirements:

1. Attendance at eight (8) professional workshops/seminars totaling fifteen (15) clock hours, appropriate for post-secondary counselors servicing individuals enrolled in vocational education; or

2. Completion of six (6) hours of graduate credit appropriate for post-secondary counselors.

(23) A nonrenewable student services certificate of license to teach may be issued for a placement coordinator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a placement coordinator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of a Missouri certificate of license to teach as a counselor or in a vocational-technical area;

(B) Possession of two (2) years out of the previous five (5) years experience as a placement coordinator;

(C) Successful completion of a course in vocational education (if not taken as part of the individual's masters or higher level program); and

(D) Confirmed attendance at eight (8) vocational education conferences.

(24) A nonrenewable student services certificate of license to teach may be issued for a vocational evaluator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a vocational evaluator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Completion of two (2) years full-time employment as a vocational evaluator;

(B) Completion of the following course work:

1. Standardized testing;

2. Occupational information or job analysis; and

3. Two (2) courses with a primary focus in at least one (1) of the following content areas:

A. Philosophy and process of vocational evaluation and assessment;

B. Individualized vocational evaluation planning;

C. Vocational evaluation report development and communication;

D. Work samples and systems;

E. Situational and community-based assessment;

F. Behavioral observation;

G. Functional aspects of disability;

H. Vocational interviewing;

I. Assessment of learning;

J. Functional skills assessment; and/or

K. Modifications and accommodations.

(25) The holder of a student services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a student services certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a student services certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 80—Urban and Teacher Education

#### Chapter 800—Teacher Certification and Professional Conduct and Investigations

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

5 CSR 80-800.260 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1431-1434). Changes have been made in the text of the proposed rule as well as in the *Compendium of Missouri Certification Requirements* which is incorporated by reference. Those sections of the proposed rule with changes are reprinted

here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education has received several comments on this proposed rule.

COMMENT: The State Board of Education has received comments regarding the GPA required for certificates of license to teach; the background check procedures; asking for annual checks with the Highway Patrol, FBI, and Division of Family Services; clarification of the programs for issuance of alternative certificates of license to teach; asking for the classification of special education, pupil personnel services, and administrators to be included in special assignment certificates of license to teach; seeking clarification and deletion of the contract; seeking additional time for renewals of the certificates from three (3) years to five (5) years; changing the certificate to a restricted certificate; and asking to withdraw all the proposed rules to allow more time for review. In addition, an internal review found some formatting errors in the incorporated by reference material.

RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has carefully reviewed the comments, corrects the formatting errors, and agrees to make the following changes in the proposed rule and the incorporated by reference material, the *Compendium of Missouri Certification Requirements*. The State Board further notes that each applicant undergoes Highway Patrol and FBI checks. The State Board agrees to change the term endorsements to certificates of license to teach and add GPA requirements. Sections (1) and (5) of the rule are reprinted here for clarity.

#### 5 CSR 80-800.260 Alternative Certification and Special Assignment Certificate of License to Teach

(1) An applicant for a special assignment Missouri certificate of license to teach who possesses good moral character may be granted a certificate of license to teach in one (1) of the areas of special assignment upon joint application with a Missouri public school district. The special assignment certificate of license to teach is limited to the employing Missouri public school district. Additional certificates of license to teach will not be granted.

(5) The applicant must possess a grade point average of 2.5 or higher on a 4.0 scale, both overall and in the major area of study.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 80—Urban and Teacher Education

#### Chapter 800—Teacher Certification and Professional Conduct and Investigations

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1435-1437). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed

rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The State Board of Education has received some comments on this proposed rule.

**COMMENT:** The State Board of Education has received comments regarding the background checks procedures; asking for annual FBI, Missouri Highway Patrol, and Division of Family Services checks; objecting to a joint application with the school district; objecting to the renewal of the certificate within thirty (30) days; and asking for the withdrawal of all the proposed rules to allow for more time to review. In addition, an internal review found some formatting errors in the incorporated by reference material.

**RESPONSE AND EXPLANATION OF CHANGE:** The State Board of Education has carefully reviewed the comments, corrects the formatting errors in the *Compendium of Missouri Certification Requirements*, which is incorporated by reference and decided there is no cause for a change in its proposed rule and would point out that each applicant undergoes Highway Patrol and FBI checks.

## **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

### **Division 80—Urban and Teacher Education**

#### **Chapter 800—Teacher Certification and Professional Conduct and Investigations**

### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

#### **5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1438-1441). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The State Board of Education has received some comments on this proposed rule.

**COMMENT:** The State Board of Education has received comments regarding the background check procedures; asking for annual checks with the Highway Patrol, FBI, and Division of Family Services; and seeking the withdrawal of all the proposed rules to allow for more time to review. In addition, an internal review found some formatting errors in the incorporated by reference material.

**RESPONSE AND EXPLANATION OF CHANGE:** The State Board has carefully reviewed the comments and corrects the formatting errors in the *Compendium of Missouri Certification Requirements*, which is incorporated by reference. The State Board finds no cause for a change to the proposed rule and would point out that each applicant undergoes Highway Patrol and FBI checks.

## **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

### **Division 80—Urban and Teacher Education**

#### **Chapter 800—Teacher Certification and Professional Conduct and Investigations**

### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.081, 168.400 and 168.405, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

#### **5 CSR 80-800.350 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1442-1447). Changes have been made in the text of the proposed rule as well as in the *Compendium of Missouri Certification Requirements* which is incorporated by reference. Those sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The State Board of Education has received some comments on this proposed rule.

**COMMENT:** The State Board of Education has received comments regarding deleting the term endorsement from the rule; changing the title “pupil personnel services” to “student services”; changing the specialization grade levels; objecting to the Unified Science classification; asking for the withdrawal of all the proposed rules to allow for more time to review; and noting a clerical change in the number of hours for the Family and Consumer Sciences Certificate of License to Teach. In addition, an internal review found some formatting errors in the incorporated by reference material.

**RESPONSE AND EXPLANATION OF CHANGE:** The State Board has carefully reviewed the comments, corrects the formatting errors, and agrees to make the following changes in the proposed rule and the incorporated by reference material, the *Compendium of Missouri Certification Requirements*. The State Board corrects the hours on the Family and Consumer Sciences Certificate of License to Teach; changes the term endorsement to certificates of license to teach; and changes the title “pupil personnel services” to “student services.” The State Board declines to change the specialization grade levels except for counselors. The purpose and sections (2)(C), (G) and (I) are reprinted here for clarity.

#### **5 CSR 80-800.350 Certificate of License to Teach Content Areas**

**PURPOSE:** *The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the current areas for certificates of license to teach.*

(2) Certificates of license to teach are issued and renewed by the State Board of Education pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows:

(C) Middle school education, grades 5-9 with at least one (1) area of certification in the following areas:

1. Agricultural education;
2. Business education;

3. Family and consumer sciences;
4. Industrial technology;
5. Language arts;
6. Mathematics;
7. Science;
8. Social science; and/or
9. Speech/theater;

(G) Other certification areas may be added to a certificate of license to teach except for occupational vocational, adult education and literacy, special assignment and/or substitute certificates of license to teach in one (1) or more of the following areas:

1. Art, grades K-9;
2. Driver education, grades 9-12;
3. English for speakers of other languages, grades K-12;
4. Family resource specialist, birth-grade 3;
5. Foreign language, grades K-9;
6. Gifted education, grades K-12;
7. Health, grades K-9; and/or
8. Special reading, grades K-12;

(I) Student services certificates of license to teach may be issued in one (1) or more of the following areas:

1. School counselor, grades K-8, 7-12, and/or K-12;
2. Advanced school counselor, grades K-12;
3. School psychological examiner, grades K-12;
4. School psychologist, grades K-12;
5. Vocational adult education supervisor;
6. Post-secondary vocational counselor;
7. Placement coordinator; and/or
8. Vocational evaluator;

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Urban and Teacher Education  
Chapter 800—Teacher Certification and Professional  
Conduct and Investigations**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

**5 CSR 80-800.360** Certificate of License to Teach  
Classifications **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1448-1450). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The State Board of Education has received some comments on this proposed rule.

**COMMENT:** The State Board of Education has received comments seeking the withdrawal of all the proposed rules to allow for more review time; objecting to the effective dates of the certificates; objecting to the participation in "Performance-Based Teacher Evaluations"; and questioning the organization of the rules especially for renewal of certificates. In addition an internal review revealed some formatting errors in the incorporated by reference material.

**RESPONSE AND EXPLANATION OF CHANGE:** The State Board has carefully reviewed the comments, corrected the formatting errors in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and finds that there is no cause for a change to its proposed rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Urban and Teacher Education  
Chapter 800—Teacher Certification and Professional  
Conduct and Investigations**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

**5 CSR 80-800.370** Fees **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1450-1452). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The State Board of Education has received comments on this proposed rule.

**COMMENT:** The State Board of Education received comments asking for the withdrawal of all the proposed rules to allow for more time to review.

**RESPONSE:** The State Board has carefully reviewed the comments and finds that there is no cause for a change in the proposed rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Urban and Teacher Education  
Chapter 800—Teacher Certification and Professional  
Conduct and Investigations**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999, the board adopts a rule as follows:

**5 CSR 80-800.380** **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1453-1455). Changes have been made in the text of the proposed rule as well as in the appendix and the *Compendium of Missouri Certification Requirements* which are incorporated by reference, and the private entity fiscal note. Those sections of the proposed rule, the appendix, and private entity fiscal note with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The State Board of Education has received several comments on this proposed rule.

COMMENT: The State Board of Education received comments seeking clarification on how the Principles of Learning and Teaching Test will be used; questioning the use of other state's cut scores for Missouri's exit assessment; questioning the omission of the district-level assessment from the proposed rule and the fiscal note; seeking clarification of vocational-technical, adult education and literacy, and special assignment applicants taking the exit assessment; objecting to applicants with a Ph.D. in the content area taking the exit assessment; supporting and objecting to individuals holding a certificate of license to teach taking the content knowledge and specialty area test to receive an additional certificate of license to teach (especially in the special education, library science, counseling, school psychologist, and music areas); deleting the term endorsement; supporting the issuance of a certificate of license to teach to a National Board certified teacher without taking the exit assessment; and asking for the withdrawal of all the proposed rules to allow for more time to review. In addition, an internal review found some formatting errors in the incorporated by reference material.

RESPONSE AND EXPLANATION OF CHANGE: The State Board has carefully reviewed the comments, corrects the formatting errors, and agrees to make the following changes in the proposed rule, the appendix, and the *Compendium of Missouri Certification Requirements*, which are incorporated by reference. The State Board notes that the Principles of Learning and Teaching test is only for the areas of certification where no content knowledge or specialty area test exists. The State Board agrees to accept another state's cut scores on the exit assessment with two (2) years professional experience; add the district-level assessment and modify the fiscal note; delete the exit assessment requirement for initial Ph.D. certificates of license to teach; change the areas of special education which may be certified with the exit assessment; and change the term endorsements to certificates of license to teach.

The subsections (1)(A), (B), (C), (D), (E), paragraphs 1.-4., the appendix and the private entity fiscal note are reprinted here for clarity.

## **5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri**

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate.

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area Tests and the Principles of Learning and Teaching Tests developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. The Principles of Learning and Teaching Test has been selected only for the area(s) of certification for which no content knowledge or specialty area test has been designated, except in the areas of special education (see Appendix A, which is incorporated by reference and made a part of this rule). Qualifying scores are established by the board and published by ETS for each test designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must take the content knowledge or specialty area test in their major area of preparation or the appropriate principles of learning and teaching test if no content knowledge or specialty area test is designated, except in the areas of special education where the special education test is required for initial certification.

2. Applicants for a Missouri certificate of license to teach, having a valid certificate of license to teach in the same or a closely aligned area of certification from another state, having taken that state's required subject or specialty area assessment(s) for that certification and achieved that state's passing score(s), and having at least two years of full-time professional experience in education in the area for which they are seeking Missouri certification, shall not

be required to take the designated assessment(s) in Missouri in order to receive the Missouri certificate. If no subject or specialty area assessment is required in the state from which the applicant holds a valid certificate of license to teach, the applicant shall successfully complete the assessment(s) designated by the board in order to receive the Missouri certificate of license to teach.

3. Applicants seeking additional certificates of license to teach in other content areas:

A. May take the appropriate content knowledge or specialty area test(s) for certification, except in areas of special education other than mild/moderate cross-categorical disabilities; or

B. Must meet the applicable certification standards as set forth in the *Compendium of Missouri Certification Requirements*, which is incorporated by reference and made a part of this rule.

4. Beginning September 1, 2004, applicants for a Missouri certificate of license to teach will take the designated Praxis II content knowledge or specialty area test for each area of certification and achieve a qualifying score on each respective test.

(B) In addition to the previously described assessments, the board will accept successful completion of the National Board for Professional Teaching Standards (NBPTS) assessment as meeting the exit assessment requirement for Missouri. Therefore, applicants seeking a Missouri certificate of license to teach having certification granted by the NBPTS are not required to take the designated Missouri exit assessment in the content area for which they hold NBPTS certification.

(C) The board has selected the School Leaders Licensure Assessment (SLLA) developed by ETS to assess the attainment of competencies required for the building-level administrator certificate of license to teach (see Appendix A, which is incorporated by reference and made a part of this rule). A minimum qualifying score for this assessment is established by the board.

(D) The board has selected the School Superintendent Assessment (SSA) developed by ETS to assess the attainment of competencies required for the district-level administrator certificate of license to teach (see Appendix A, which is incorporated by reference and made a part of this rule). A minimum qualifying score for this assessment is established by the board.

(E) Applicants seeking a Missouri certificate of license to teach shall have their assessment score(s) reported to the Department of Elementary and Secondary Education by the authorized testing agency and on their application for initial certification from the college/university recommending the applicant for their certificate of license to teach, if appropriate.



**REVISED FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

**II. Rule Number and Name:** 5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri

**III. SUMMARY OF FISCAL IMPACT**

| Estimate the number of examinees which would likely be affected by the adoption of the proposed rule: | Classification of types of the business entities which would likely be affected: | Estimate in the aggregate as to the cost of compliance with the rule by the affected examinees: |
|---|--|---|
| 7,200   | Certification examinees  | \$969,500   |

**III. WORKSHEET**

\$105.00 for test fee x 6,500 examinees = \$682,500.00 per year for Praxis II

\$435.00 for test fee x 600 examinees = \$261,000.00 per year for SLLA

\$260.00 for test fee x 100 examinees = \$26,000 per year for SSA

\$682,500 + \$261,000 + \$26,000 = \$969,500

**IV. ASSUMPTIONS**

Based upon previous data from past years, the Board assumes the 7,200 examinees for certification.

## APPENDIX A

### ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

| <b><u>Missouri Certificate of License to Teach</u></b>  | <b><u>Test Code</u></b> | <b><u>Designated Assessment</u></b>                             |
|---|-------------------------|---|
| Early Childhood Education, Birth – Grade 3  | 10020                   | Early Childhood Education                                       |
| Early Childhood Special Education, Birth – Grade 3  | 10020                   | Early Childhood Education                                       |
| Elementary Education, Grades 1-6  | 10011                   | Elementary Education: Curriculum, Instruction, and Assessment   |
| Middle School Education, Grades 5-9   | -                       | ---   |
| Language Arts   | 10049                   | MS English-Language Arts: Content Knowledge                     |
| Mathematics   | 20069                   | MS Mathematics: Content Knowledge                               |
| Science   | 10439                   | MS Science: Content Knowledge                                   |
| Social Studies  | 20089                   | MS Social Studies: Content Knowledge                            |
| Other Middle School Endorsements  | 30523                   | Principles of Learning and Teaching, Grades 5-9                 |
| Secondary Education, Grades 9-12 (except as noted)  | -                       | ---   |
| Agriculture   | 10700                   | Agriculture   |
| Art K-12, 9-12  | 10133                   | Art: Content Knowledge  |
| Business Education  | 10100                   | Business Education  |
| English   | 10041                   | English Language, Literature and Composition: Content Knowledge |
| Family and Consumer Science (Vocational and Non-Vocational)   | 10120                   | Home Economics Education  |
| French K-12   | 10170                   | French  |
| German K-12   | 20181                   | German: Content Knowledge                                       |
| Health K-12, 9-12   | 20550                   | Health Education  |
| Industrial Technology   | 10050                   | Technology Education  |
| Marketing and Distributive Education  | 10560                   | Marketing Education   |
| Mathematics   | 10061                   | Mathematics: Content Knowledge                                  |
| Music (Instrumental, Vocal) K-12  | 10113                   | Music: Content Knowledge  |
| Physical Education K-9, K-12, 9-12  | 10091                   | Physical Education: Content Knowledge                           |
| Social Science  | 10081                   | Social Studies: Content Knowledge                               |
| Spanish K-12  | 10191                   | Spanish: Content Knowledge                                      |
| Special Education K-12  | 10350                   | Special Education   |
| Initial certification in all areas of special education;  |                         |   |
| Additional certification by test, only in the area of   |                         |   |
| Mild/Moderate Disability: Cross-Categorical   |                         |   |
| Speech/Theater  | 10220                   | Speech Communication  |
| Speech and Language Specialist K-12   | 20330                   | Speech-Language Pathology                                       |
| Unified Science:  | -                       | ---   |
| Biology   | 20231                   | Biology: Content Knowledge, Part I                              |
| Chemistry   | 20241                   | Chemistry: Content Knowledge                                    |
| Earth Science   | 20571                   | Earth Science: Content Knowledge                                |
| Physics   | 10261                   | Physics: Content Knowledge                                      |
| K-12 or 9-12 teaching certification for which no specialty area test or content knowledge test is designated. | 30524                   | Principles of Learning and Teaching, Grades 7-12                |
| Building-Level Administrator  | 11010                   | School Leaders Licensure Assessment (SLLA)                      |
| Principal K-8, 9-12   |                         |   |
| Special Education Administrator K-12  |                         |   |
| Vocational School Director  |                         |   |
| District-Level Administrator (Superintendent) K-12  | 11020                   | School Superintendent Assessment (SSA)                          |

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 10—Division of Employment Security  
Chapter 4—Unemployment Insurance**

**ORDER OF RULEMAKING**

By the authority vested in the Division of Employment Security under section 288.220, RSMo Supp. 1999, the division amends a rule as follows:

**8 CSR 10-4.160 Lessor Employing Units is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1617-1618). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions,  
Sampling and Reference Methods and Air Pollution  
Control Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 10-6.110 Submission of Emission Data, Emission Fees  
and Process Information is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2000 (25 MoReg 1218-1226). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 6—Minimum Standards for Training**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

**11 CSR 75-6.030 Procedures for Certifying Basic Training  
Courses is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1631-1638). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 15—Division of Aging  
Chapter 4—Older Americans Act**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Aging under section 660.050, RSMo Supp. 1999, the director hereby amends a rule as follows:

**13 CSR 15-4.240 Nutrition Service Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1639). No changes are being made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 15—Division of Aging  
Chapter 7—Service Standards**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Aging under section 660.050, RSMo Supp. 1999, the director hereby amends a rule as follows:

**13 CSR 15-7.005 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1639-1640). Those sections with changes are reprinted below. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received concerning this proposed amendment.

COMMENT: The comment concerned the definition of escort services. The comment made reference to the fact that the division has included escort services within assisted transportation and would no longer require a separate definition. It further stated that the definition of assisted transportation did not appear within this rule.

RESPONSE AND EXPLANATION OF CHANGE: The division agrees with the comment and will add the definition of assisted transportation with a reference to escort. The definition of escort will be deleted.

**13 CSR 15-7.005 Definitions**

(2) Assisted transportation—A service which provides assistance, including escort, to a person who has difficulties (physical or cognitive) using regular vehicular transportation.

(3) Case management—A service which ensures that individuals with chronic or acute care needs are assessed and provided with a comprehensive and coordinated service program designed to meet those assessed needs.

(4) Caterer—A restaurant, hospital, school or commercial organization which prepares meals under contract (usually a fixed price per meal contract).

(5) Center—Any facility regardless of terminology used, that is, senior center, congregate nutrition center, nutrition site, supportive services center, satellite center or site or multipurpose senior center, that is utilized to provide one (1) or more services to older persons.

(6) Congregate nutrition services—The provision of nutrition services to older persons in an approved center.

(7) Contributions—Money or food stamps (for meals only) given voluntarily and confidentially toward the cost of a service received.

(8) Division—The Division of Aging of the Missouri Department of Social Services.

(9) Economic need, greatest—The need resulting from an income level at or below the poverty threshold established by the Office of Management and Budget.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES**

#### **Division 15—Division of Aging Chapter 7—Service Standards**

#### **ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Aging under section 660.050, RSMo Supp. 1999, the director hereby amends a rule as follows:

13 CSR 15-7.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1640–1641). Based upon comments received and a review by the division, several sections of this proposed amendment will have modifications. Those modifications are reprinted below. This amendment becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** There was one comment received concerning two subsections.

**COMMENT:** One comment concerned the wording of a new sentence in section (15)(E). The commenter proposed changing the words “delivered to the last recipient” to “at the end of delivery.” This would allow temperatures to be recorded by staff through a test meal returned to the center— thus avoiding (1) exposure of the last recipient’s food for testing; (2) training of all volunteers to appropriately test/record; (3) purchasing additional thermometers; and (4) sanitizing supplies for use in the field to avoid cross-contamination.

**RESPONSE AND EXPLANATION OF CHANGE:** The division agrees and will make the appropriate modification.

**COMMENT:** One comment concerned the wording of section (15)(F). The commenter proposed changing the words “record time home-delivered meal route was started” to “record time at end of preparation.” This change would more appropriately document hot food delivery time.

**RESPONSE AND EXPLANATION OF CHANGE:** The division agrees and will make the appropriate modifications.

#### **13 CSR 15-7.060 Nutrition Service Standards**

(6) Equipment Requirements.

(A) Whether the senior center is catered or has an on-site food preparation kitchen, adequate equipment shall be available to keep refrigerated foods at or below forty-one degrees Fahrenheit

(41°F), heated foods above one hundred forty degrees Fahrenheit (140°F) and frozen foods at or below zero degrees Fahrenheit (0°F).

(15) Home-delivered meals service providers shall—

(C) Assess and document an individual’s eligibility to receive home-delivered meals prior to initiation of the service and reassess the need for services at least annually. A shorter eligibility period may be appropriate in certain circumstances, such as persons with short-term needs after illness or surgery.

1. When referrals are received from the division, the division’s assessment and reassessment of the service recipient will be sufficient documentation of eligibility. The service recipient’s assessment card shall document that referral was received from the division and an assessment made by the division established eligibility for the home-delivered meal. The senior center shall then complete the necessary forms for client registration as defined by the area agency.

2. In emergency situations, home-delivered meals may be delivered for a maximum of five (5) days prior to the initial assessment of eligibility;

(E) Use insulated carriers to assure that foods delivered to home-delivered meal recipients are at the proper temperature, over one hundred forty degrees Fahrenheit (140°F) for hot food and at or below forty-one degrees Fahrenheit (41°F) for cold food. Check and record at least quarterly, the temperature of hot and cold food items at the end of delivery on each home-delivered meal route. All equipment used in transporting foods shall have smooth cleanable surfaces, be cleaned and sanitized daily or be disposable;

(F) Deliver hot foods to the service recipient within three and one-half (3 1/2) hours following end preparation time. Record time meal preparation ended and time last meal was delivered at least quarterly for each route;

### **Title 13—DEPARTMENT OF SOCIAL SERVICES**

#### **Division 15—Division of Aging Chapter 10—General Licensure Requirements**

#### **ORDER OF RULEMAKING**

By the authority vested in the Division of Aging under section 198.534, RSMo Supp. 1999, the division adopts a rule as follows:

13 CSR 15-10.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2000 (25 MoReg 1227–1232). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The division received two (2) comments from two (2) organizations during the thirty day comment period.

**COMMENT:** In section (9)(F) of the proposed rule, which relates to the MDS assessment, we note that the rule appears to contain more proscriptive requirements than what was contained in SB 326. SB 326 requires “each participating facility to complete a minimum data set form for each resident occupying a pilot bed.” Section (9)(F) goes beyond this requirement to indicate at what specific intervals the assessment will be completed. While not inappropriate for nursing facility settings, the requirements are prohibitive for residential care facilities. We encourage the Division of Aging to provide flexibility with respect to the MDS tool that demonstration program participants will be required to use. We believe the intent of the law and appropriate care for the

residents can be accomplished without completing the entire MDS assessment at the intervals indicated.

**RESPONSE AND EXPLANATION OF CHANGE:** All federally certified long-term care facilities must utilize the Minimum Data Set (MDS) assessment process. The legislation which sets forth the Alzheimer's Demonstration Project requires that a minimum data set form be completed for each resident occupying a demonstration project bed. As a result, the division decided to require all facilities selected to participate in the Alzheimer's Demonstration Project to use the existing MDS process since certified facilities are already required to use the MDS process designated by the Health Care Financing Administration (HCFA). The purpose is to have all demonstration program participants conduct a uniform resident assessment process, at least initially in order to facilitate comparisons. Accordingly, it is important to note that the demonstration project allows for facilities to request exceptions to this rule when appropriate, and also for facilities to implement innovative ideas and programs relating to the treatment of persons with Alzheimer's disease or Alzheimer's related dementia. The division does agree with part of this comment regarding the completion of the entire MDS assessment every ninety (90) days. The division is making a change to subsection (9)(F) stating that the MDS will be completed within fourteen (14) days of admission and an MDS quarterly review assessment will be completed every ninety (90) days thereafter.

**COMMENT:** The Private Entity Cost portion of the Fiscal Note does raise some concerns. The only costs that are disclosed are the licensing fees for developing these facilities. In light of the substantial overbedding which exists currently in the State of Missouri, especially with skilled and intermediate care beds, the Private Entity Cost should include the amount of lost revenue to facilities currently providing services to Alzheimer's patients, that will experience that patient population being diverted to the demonstration project facilities. In that regard, the statement in paragraph 5 on page 1232 is not accurate. The creation of these projects will result in a "taking of private property" as that phrase is used in the provisions of section 536.017, RSMo Supp. 1999. We therefore believe that for this rule to be adopted without that analysis having been completed, including the lost revenue to existing facilities, it may be subject to the invalidity provisions of that aforementioned statutory section.

**RESPONSE:** Section 536.017, RSMo Supp. 1999, provides that a takings analysis is not necessary where the rule or regulation being promulgated substantially codifies existing federal or state law. Proposed rule 13 CSR 15-10.070 is substantially a codification of Section 198.086, RSMo Supp. 1999, which mandated the Division of Aging to develop and implement an Alzheimer's Demonstration Project. The proposed rule merely adds a mechanism for interested participants to submit their letters of intent and outlines the process by which the selection of participants in the project would be made. Any fiscal impact resulting from this demonstration project is brought about by Section 198.086 in which the General Assembly of the state of Missouri mandated that an Alzheimer Demonstration Project be developed and implemented by the Division of Aging. The fiscal impact relating to the legislation enacted by the General Assembly was taken into account during the legislative process leading to the passage of SB 326 which, in pertinent part, added a new Section 198.086 to the Revised Statutes of Missouri mandating an Alzheimer's Demonstration Project be conducted. Persons or entities affected by the proposed legislation had the opportunity to express their concerns through the legislative hearing process. In that regard, the fiscal note accompanying the rulemaking is substantially the same as that noted in the legislative fiscal note. Accordingly, it is believed the agency's proposed rulemaking complies with Section 536.017 and that the contention that such rulemaking is subject to the invalidity provisions of Section 536.017 is without merit. Even if a tak-

ings analysis were required, it is believed that the impact of this proposed rule does not constitute a taking of private property as defined in federal and state law inasmuch as any fiscal impact is the result of the enactment of Section 198.086 and not caused by the rule which merely codifies and implements the statutory mandate. Furthermore, neither the statute nor the rule has the effect of preventing an economically viable use of the property in question so as to constitute a "taking." See *United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121 (1985) and *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992) for federal case law in this area; see also *D & H Prescription Drug Co., Inc. v. City of Columbia*, 977 S.W.2d 515 (Mo. App. 1998) for a Missouri case where the court found that governmental action which caused a diminution in value of private property (as opposed to action which resulted in a complete taking of such property) did not present an actionable claim for inverse condemnation. Finally, it is important to note that participation in this demonstration project is voluntary.

### 13 CSR 15-10.070 Alzheimer's Demonstration Projects

(9) All facilities selected to participate in the demonstration projects shall demonstrate the ability to comply with the following minimum requirements set forth in section 198.086, RSMo Supp. 1999:

(F) A Minimum Data Set (MDS) assessment shall be completed for any resident who occupies a bed designated for demonstration project participants. The MDS must be completed within fourteen (14) days of admission and an MDS quarterly review assessment must be completed every ninety (90) days thereafter. The MDS must also be completed whenever a significant change in condition occurs. For the purposes of this rule, "significant change" means a change in medical condition or in cognitive or psychosocial functioning which requires a change or modification in services or treatments provided in order to maintain the individual at the highest practicable level of functioning.

## Title 20—DEPARTMENT OF INSURANCE Division 500—Property and Casualty Chapter 6—Workers' Compensation and Employer's Liability

### ORDER OF RULEMAKING

By the authority vested in the Department of Insurance under section 374.045, RSMo Supp. 1999, the department withdraws a proposed amendment as follows:

#### 20 CSR 500-6.700 Procedures Associated With Workers' Compensation Managed Care Organizations is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on May 1, 2000 (25 MoReg 1134-1156). This proposed amendment is withdrawn.

**SUMMARY OF COMMENTS:** This proposed amendment to 20 CSR 500-6.700 was a comprehensive overhaul of an existing rule on workers' compensation managed care organizations (MCO's). The proposed amendment was designed to comply with language in section 287.135, RSMo (enacted in 1993), which directed the Department of Insurance to promulgate rules regarding: 1) the certification criteria for workers' compensation MCO's; 2) the criteria under which the fees charged by an MCO would be reimbursed by an employer's workers' compensation insurer; and, 3) criteria for the coordination and integration of MCO and insurer internal operating systems. The department received numerous oral and

written comments from organizations representing insurance companies, managed care organizations, employers and employees. Generally speaking, representatives of the insurance industry strongly opposed the proposed amendment for literally dozens of reasons. Independent managed care organizations supported the proposed amendment, with some concern regarding the proposed standard for the “reasonableness” of MCO fees and regarding some of the proposed amendment’s new MCO compliance requirements. Representatives of employer groups generally supported the proposed amendment’s notion that employers should have the option of selecting an MCO, although one employer organization supported the proposed amendment only so long as it did not have the effect of increasing premium rates and another argued that the selection of an MCO was no substitute for an employer’s diligence in monitoring treatment. Employee representatives remarked that the needs of the injured employee were not taken into account in the proposed amendment, voicing concerns about issues such as the quality of care, timeliness of care, the role of case management nurses and the confidentiality of medical records.

RESPONSE: Given the strong opposition to the proposed amendment by insurers, the relatively mild and equivocal support for the proposed amendment by employers and the concerns from various quarters that the proposed amendment was focused too heavily on MCO reimbursement issues and not enough on the quality and ultimate outcomes of care, the department has decided to withdraw the proposed amendment. The department has filed a new proposed amendment to 20 CSR 500-6.700 that addresses many of the comments received by the department. The text of the new proposed amendment is published in this issue of the *Missouri Register*.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 100—Division of Credit Unions**

**ACTIONS TAKEN ON APPLICATIONS FOR NEW  
GROUPS OR GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo Supp. 1999, the Director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo Supp. 1999.

| Credit Union  | Proposed New Group or Geographic Area  |
|---|--|
| Spirit of St. Louis Credit Union<br>302 N. Clay Avenue<br>Kirkwood, MO 63122                    | Persons who work or reside in St. Louis City, St. Louis County and St. Charles County  |
| Missouri National Guard Credit Union<br>2009 Schotthill Woods Drive<br>Jefferson City, MO 65101 | Persons residing or working in Cole or contiguous counties, excluding Boone  |
| Alliance Credit Union<br>575 Rudder Road<br>Fenton, MO 63026                                    | Those who work or reside in St. Charles County or St. Louis County   |
| First Community Credit Union<br>15715 Manchester Road<br>Ellisville, MO 63011                   | All eligible individuals, and the immediate family of eligible individuals, who reside or work in the counties of St. Louis, St. Charles, Jefferson and the zip codes of 63090, 63055, 63039, and 63089. |
| St. Louis Postal Credit Union<br>6300 South Lindbergh Boulevard<br>St. Louis, MO 63123          | Members of the immediate family and zip codes 63123, 63125, 63010, 63012, 63016, 63023, 63026, 63049, 63051 and 63052  |

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**APPLICATION REVIEW SCHEDULE**

DATE FILED:  
APPLICATION PROJECT NO. &  
NAME/COST & DESCRIPTION/  
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the September 25, 2000 Certificate of Need meeting. These applications are available for public inspection at the address shown below.

08/10/00

**#3001 RS:** Harris Manor Care Center  
401 S. Henry St., Farmington (St. Francois County),  
\$0, Six-mile replacement of four  
residential care facility II beds  
previously located at Carriage Manor  
Care Center, 508 N. Washington,  
Farmington (St. Francois County)

08/15/00

**#3031 RS:** Mexico Residential Care Center No. 2,  
West 1/2 Section 36, Township 51 North, Range 9  
West, Mexico (Audrain County), \$930,000, Six-mile  
replacement of 17 residential care facility II beds  
previously located at Mexico Residential Care Center,  
1700 Asbury Circle West,  
Mexico (Audrain County)

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received at the address listed below by September 15, 2000. All written requests and comments should be sent to:

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
915 G Leslie Boulevard  
Jefferson City, MO 65101

For additional information contact  
Donna Schuessler, 573-751-6403.

**Schedule of Compensation as Required by Section 476.405 RSMo**

|                                  | <u>RSMo<br/>Citation</u> | <u>Highest Salary<br/>FY 2000</u> | <u>Highest Salary<br/>FY 2001</u> |
|----------------------------------|--------------------------|-----------------------------------|-----------------------------------|
| <u>Supreme Court</u>             |                          |                                   |                                   |
| Chief Justice                    | 477.130                  | \$122,500                         | \$125,500                         |
| Judges                           | 477.130                  | 120,000                           | 123,000                           |
| <u>Court of Appeals</u>          |                          |                                   |                                   |
| Judges                           | 477.130                  | 112,000                           | 115,000                           |
| <u>Circuit Court</u>             |                          |                                   |                                   |
| Circuit Court Judges             | 478.013                  | 105,000                           | 108,000                           |
| Associate Circuit Judges         | 478.018                  | 93,000                            | 96,000                            |
| <u>Juvenile Officers</u>         | 211.381                  |                                   |                                   |
| Juvenile Officer                 |                          | 38,878                            | 40,478                            |
| Chief Deputy Juvenile Officer    |                          | 32,924                            | 34,404                            |
| Deputy Juvenile Officer Class I  |                          | 29,034                            | 30,437                            |
| Deputy Juvenile Officer Class 2  |                          | 26,189                            | 27,535                            |
| Deputy Juvenile Officer Class 3  |                          | 23,639                            | 24,934                            |
| <u>Court Reporters</u>           | 485.060                  | 46,706                            | 48,462                            |
| <u>Probate Commissioner</u>      | 478.266                  | 105,000 *                         | 108,000 *                         |
|                                  | & 478.267                |                                   |                                   |
| Deputy Probate Commissioner      | 478.266                  | 93,000 *                          | 96,000 *                          |
| <u>Family Court Commissioner</u> | 211.023                  | 93,000 *                          | 96,000 *                          |
|                                  | & 487.020                |                                   |                                   |
| <u>Circuit Clerk</u>             |                          |                                   |                                   |
| 1st Class Counties               | 483.083                  | 58,147                            | 60,132                            |
| St. Louis City                   | 483.083                  | 97,301                            | 100,069                           |
| Jackson, Jasper & Cape Girardeau | 483.083                  | 63,056                            | 65,139                            |
| 2nd & 4th Class Counties         | 483.083                  | 52,185                            | 54,051                            |
| 3rd Class Counties               | 483.083                  | 45,373                            | 47,102                            |
| Marion-Hannibal & Palmyra        | 483.083                  | 51,331                            | 53,180                            |
| Randolph & Lewis                 | 483.083                  | 49,795                            | 51,613                            |

\*Salaries are tied to those of Circuit and Associate Circuit Judges.

The salary adjustment contained in the pay plan applicable to other state employees generally for the fiscal year ending June 30, 2001 was \$600 annually starting in July, \$420 annually starting in January, and an average two percent within grade increase for eligible employees.



**Schedule of Compensation as Required by Section 105.005 RSMo**

| <u>Office</u>   | <u>RSMo<br/>Citation</u> | <u>Highest Statutory<br/>Salary FY 2000</u> | <u>Highest Statutory<br/>Salary FY 2001</u> |
|---|--------------------------|---|---|
| <u>Elected Officials</u>  |                          |   |   |
| Governor  | 26.010                   | \$118,393                                   | \$119,982                                   |
| Lt. Governor  | 26.010                   | 75,915                                      | 77,079                                      |
| Attorney General  | 27.010                   | 102,794                                     | 104,227                                     |
| Secretary of State  | 28.010                   | 94,995                                      | 96,350                                      |
| State Treasurer   | 30.010                   | 94,995                                      | 96,350                                      |
| State Auditor   | 29.010                   | 94,995                                      | 96,350                                      |
| <u>General Assembly</u>   |                          |   |   |
| Senator   | 21.140                   | 30,536                                      | 31,246                                      |
| Representative  | 21.140                   | 30,536                                      | 31,246                                      |
| Speaker of House  | 21.140                   | 33,036                                      | 33,746                                      |
| President Pro Tem of Senate   | 21.140                   | 33,036                                      | 33,746                                      |
| Speaker Pro Tem of the House  | 21.140                   | 32,036                                      | 32,746                                      |
| Majority Floor Leader of House  | 21.140                   | 32,036                                      | 32,746                                      |
| Majority Floor Leader of Senate   | 21.140                   | 32,036                                      | 32,746                                      |
| Minority Floor Leader of House  | 21.140                   | 32,036                                      | 32,746                                      |
| Minority Floor Leader of Senate   | 21.140                   | 32,036                                      | 32,746                                      |
| <u>Appointed Officials</u>  |                          |   |   |
| Commissioner of Administration and<br>Director, Department of Revenue   | 105.950                  | 99,013                                      | 101,803                                     |
| Director, Department of Social<br>Services  | 105.950                  | 95,086                                      | 97,798                                      |
| Director, Department of Agriculture;<br>Economic Development; Labor<br>and Industrial Relations; and<br>Natural Resources | 105.950                  | 92,952                                      | 95,622                                      |
| Director, Department of Corrections<br>and Public Safety  | 105.950                  | 92,952                                      | 95,621                                      |
| State Tax Commissioners   | 138.230                  | 91,185                                      | 93,819                                      |
| <u>Administrative Hearing Commissioners</u>   | 621.015                  | 88,840                                      | 91,427                                      |
| <u>Probation and Parole</u>   |                          |   |   |
| 1. Chairman   | 217.665                  | 75,539                                      | 77,857                                      |
| 2. Board Members  | 217.665                  | 71,664                                      | 73,907                                      |
| <u>Labor and Industrial Relations</u>   |                          |   |   |
| <u>Commissioners</u>  | 286.005                  | 91,185                                      | 93,309 *                                    |
| <u>Division of Workers' Compensation</u>  |                          |   |   |
| 1. Legal Advisor  | 287.615                  | 74,400 **                                   | 76,800 **                                   |
| 2. Chief Counsel  | 287.615                  | 76,400 **                                   | 78,800 **                                   |
| 3. Administrative Law Judge   | 287.615                  | 83,700 **                                   | 86,400 **                                   |
| 4. Administrative Law Judge in Charge   | 287.615                  | 88,700 **                                   | 91,400 **                                   |
| 5. Director, Division of<br>Workers' Compensation   | 287.615                  | 90,700 **                                   | 93,400 **                                   |
| Public Service Commissioners  | 386.150                  | 91,185                                      | 93,819                                      |

\*\$93,819 will be salary for FY 2001 if supplemental appropriation is approved.

\*\*Division of Workers' Compensation salaries are tied to those of Associate Circuit Judges.

The salary adjustment contained in the pay plan applicable to other state employees generally for the fiscal year ending June 30, 2001 was \$600 annually starting in July, \$420 annually starting in January, and an average two percent within grade increase for eligible employees.

**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B1E01094 Decontamination System: Portable 10/2/00;  
B3E01033 Uniform Rental Services-Fulton State Hospital 10/2/00;  
B1E01081 ADA Engraving Material 10/3/00;  
B1E01103 Fabric: Broadcloth 10/5/00;  
B1E01102 Notions: Snap Fasteners 10/6/00;  
B1E01093 Rollers: Vibratory Compactors 10/09/00;  
B1E01085 Fabric: Vinyl/Upholstery/Panel 10/10/00;  
B1E01104 Dietary Nutritional Supplements 10/10/00;  
B3E00212 Hospital Related Dental Services 10/11/00;  
B1E01037 Vehicles: Alternative Fuel 10/12/00;  
B3Z00236 First Step Facilitators 10/12/00;  
B3E01076 Printing: Missouri Driver Guide 10/13/00;  
B3Z00231 Physical Fitness & Exercise Program 10/13/00;  
B2Z01011 Information Technology Consulting Services 10/18/00;  
B3Z00246 ABA Intensive Discrete Trial Training 10/18/00;  
B1Z01106 Web-Based Energy Use and Demand Information Service 10/20/00;  
B3Z00239 Dental Well Being Committee 10/23/00;  
B3Z01051 Medicaid Managed Care-Central Region 11/2/00.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Solid Phase Extraction System, supplied by Horizon Technology of Atkinson, NH.

Automated Fingerprint Identification System, Upgrades, Enhancements, Maintenance and Related Professional Services supplied by SAGEM MORPHO, Inc.

Accelerated Solvent Extractor System, supplied by Dionex Corporation of Westmont, IL.

- 1.) Mediation Services, supplied by M.A.R.C.H.
- 2.) Women's and Minority Health Care Outreach Program, supplied by Missouri Primary Care Association.
- 3.) Child Care Resource and Referral Services, supplied by Missouri Child Care Resource and Referral Network.

Joyce Murphy, CPPO,  
Director of Purchasing

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

| Rule Number                       | Agency  | Emergency     | Proposed      | Order         | In Addition   |
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| <b>OFFICE OF ADMINISTRATION</b>   |   |               |               |               |               |
| 1 CSR 10                          | State Officials' Salary Compensation Schedule ..... |               |               |               | 23 MoReg 2473 |
|                                   | .....   |               |               |               | 24 MoReg 2535 |
|                                   | .....   |               |               |               | This Issue    |
| 1 CSR 10-17.040                   | Office of Administration .....                      |               | 25 MoReg 1062 | 25 MoReg 2244 |               |
|                                   | (Changed from 1 CSR 40-1.080)                       |               |               |               |               |
| 1 CSR 10-17.050                   | Office of Administration .....                      |               | 25 MoReg 1062 | 25 MoReg 2244 |               |
|                                   | (Changed from 1 CSR 40-1.070)                       |               |               |               |               |
| 1 CSR 20-5.010                    | Personnel Advisory Board .....                      |               | 25 MoReg 1195 | 25 MoReg 2318 |               |
| 1 CSR 20-5.020                    | Personnel Advisory Board .....                      |               | 25 MoReg 1196 | 25 MoReg 2318 |               |
| 1 CSR 40-1.010                    | Purchasing and Materials Management .....           |               | 25 MoReg 1059 | 25 MoReg 2244 |               |
| 1 CSR 40-1.030                    | Purchasing and Materials Management .....           |               | 25 MoReg 1059 | 25 MoReg 2244 |               |
| 1 CSR 40-1.050                    | Purchasing and Materials Management .....           |               | 25 MoReg 1060 | 25 MoReg 2245 |               |
| 1 CSR 40-1.060                    | Purchasing and Materials Management .....           |               | 25 MoReg 1061 | 25 MoReg 2245 |               |
| 1 CSR 40-1.070                    | Purchasing and Materials Management .....           |               | 25 MoReg 1062 | 25 MoReg 2244 |               |
|                                   | (Changed to 1 CSR 10-17.050)                        |               |               |               |               |
| 1 CSR 40-1.080                    | Purchasing and Materials Management .....           |               | 25 MoReg 1062 | 25 MoReg 2244 |               |
|                                   | (Changed to 1 CSR 10-17.040)                        |               |               |               |               |
| <b>DEPARTMENT OF AGRICULTURE</b>  |   |               |               |               |               |
| 2 CSR 10-5.005                    | Market Development .....                            | 24 MoReg 2269 |               |               |               |
| 2 CSR 70-13.030                   | Plant Industries .....                              |               |               |               | This Issue    |
| 2 CSR 90-20.040                   | Weights and Measures .....                          |               | 25 MoReg 760  | 25 MoReg 1980 |               |
| 2 CSR 90-22.140                   | Weights and Measures .....                          |               | 25 MoReg 760  | 25 MoReg 1980 |               |
| 2 CSR 90-25.010                   | Weights and Measures .....                          |               | 25 MoReg 761  | 25 MoReg 1980 |               |
| 2 CSR 110-1.010                   | Office of the Director .....                        |               | 25 MoReg 1829 |               |               |
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| 3 CSR 10-4.110                    | Conservation Commission .....                       |               | 25 MoReg 1385 | 25 MoReg 2105 |               |
| 3 CSR 10-4.113                    | Conservation Commission .....                       |               | 25 MoReg 1385 | 25 MoReg 2105 |               |
| 3 CSR 10-4.115                    | Conservation Commission .....                       |               | 25 MoReg 1386 | 25 MoReg 2105 |               |
|                                   | .....   |               | 25 MoReg 2200 |               |               |
| 3 CSR 10-4.116                    | Conservation Commission .....                       |               | 25 MoReg 1393 | 25 MoReg 2106 |               |
| 3 CSR 10-5.205                    | Conservation Commission .....                       |               | 25 MoReg 1396 | 25 MoReg 2106 |               |
|                                   | .....   |               | 25 MoReg 2048 |               |               |
| 3 CSR 10-5.215                    | Conservation Commission .....                       |               | 25 MoReg 1396 | 25 MoReg 2106 |               |
| 3 CSR 10-5.430                    | Conservation Commission .....                       |               | 25 MoReg 1688 | 25 MoReg 2319 |               |
| 3 CSR 10-5.535                    | Conservation Commission .....                       |               | 25 MoReg 1397 | 25 MoReg 2106 |               |
| 3 CSR 10-5.575                    | Conservation Commission .....                       |               | 25 MoReg 2203 |               |               |
| 3 CSR 10-5.576                    | Conservation Commission .....                       |               | 25 MoReg 2203 |               |               |
| 3 CSR 10-5.577                    | Conservation Commission .....                       |               | 25 MoReg 2205 |               |               |
| 3 CSR 10-5.578                    | Conservation Commission .....                       |               | 25 MoReg 2207 |               |               |
| 3 CSR 10-5.579                    | Conservation Commission .....                       |               | 25 MoReg 2209 |               |               |
| 3 CSR 10-5.580                    | Conservation Commission .....                       |               | 25 MoReg 2211 |               |               |
| 3 CSR 10-6.405                    | Conservation Commission .....                       |               | 25 MoReg 1399 | 25 MoReg 2106 |               |
| 3 CSR 10-6.410                    | Conservation Commission .....                       |               | 25 MoReg 1399 | 25 MoReg 2107 |               |
| 3 CSR 10-6.415                    | Conservation Commission .....                       |               | 25 MoReg 1400 | 25 MoReg 2107 |               |
| 3 CSR 10-6.505                    | Conservation Commission .....                       |               | 25 MoReg 1401 | 25 MoReg 2107 |               |
| 3 CSR 10-6.510                    | Conservation Commission .....                       |               | 25 MoReg 1402 | 25 MoReg 2107 |               |
| 3 CSR 10-6.525                    | Conservation Commission .....                       |               | 25 MoReg 1402 | 25 MoReg 2107 |               |
| 3 CSR 10-6.530                    | Conservation Commission .....                       |               | 25 MoReg 1402 | 25 MoReg 2107 |               |
| 3 CSR 10-6.535                    | Conservation Commission .....                       |               | 25 MoReg 1402 | 25 MoReg 2108 |               |
| 3 CSR 10-6.545                    | Conservation Commission .....                       |               | 25 MoReg 1403 | 25 MoReg 2108 |               |
| 3 CSR 10-6.550                    | Conservation Commission .....                       |               | 25 MoReg 1403 | 25 MoReg 2108 |               |
|                                   | .....   |               | 25 MoReg 1691 | 25 MoReg 2319 |               |
| 3 CSR 10-6.615                    | Conservation Commission .....                       |               | 25 MoReg 1404 | 25 MoReg 2108 |               |
| 3 CSR 10-7.410                    | Conservation Commission .....                       |               | 25 MoReg 1404 | 25 MoReg 2108 |               |
| 3 CSR 10-7.415                    | Conservation Commission .....                       |               | 25 MoReg 1404 | 25 MoReg 2108 |               |
| 3 CSR 10-7.417                    | Conservation Commission .....                       |               | 25 MoReg 1405 | 25 MoReg 2109 |               |
| 3 CSR 10-7.420                    | Conservation Commission .....                       |               | 25 MoReg 1405 | 25 MoReg 2109 |               |
| 3 CSR 10-7.425                    | Conservation Commission .....                       |               | 25 MoReg 1405 | 25 MoReg 2109 |               |
| 3 CSR 10-7.430                    | Conservation Commission .....                       |               | 25 MoReg 1405 | 25 MoReg 2109 |               |
| 3 CSR 10-7.435                    | Conservation Commission .....                       |               | 25 MoReg 2213 |               |               |
| 3 CSR 10-7.440                    | Conservation Commission .....                       |               | N.A.          | 25 MoReg 2109 |               |
|                                   | .....   |               | N.A.          | This Issue    |               |
| 3 CSR 10-7.441                    | Conservation Commission .....                       |               | 25 MoReg 1406 | 25 MoReg 2110 |               |
| 3 CSR 10-7.445                    | Conservation Commission .....                       |               | 25 MoReg 1406 | 25 MoReg 2110 |               |
| 3 CSR 10-7.450                    | Conservation Commission .....                       |               | 25 MoReg 1406 | 25 MoReg 2110 |               |
| 3 CSR 10-7.455                    | Conservation Commission .....                       |               | 25 MoReg 1407 | 25 MoReg 2110 | 24 MoReg 2989 |
|                                   | .....   |               | 25 MoReg 2214 |               |               |
| 3 CSR 10-9.110                    | Conservation Commission .....                       |               | 25 MoReg 1407 | 25 MoReg 2110 |               |
| 3 CSR 10-9.230                    | Conservation Commission .....                       |               | 25 MoReg 1408 | 25 MoReg 2110 |               |

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| 3 CSR 10-9.420                            | Conservation Commission .....                          |                     | 25 MoReg 1408 ..... | 25 MoReg 2111 |               |
| 3 CSR 10-9.442                            | Conservation Commission .....                          |                     | N.A. ....           | This Issue    |               |
| 3 CSR 10-9.625                            | Conservation Commission .....                          |                     | 25 MoReg 1409 ..... | 25 MoReg 2111 |               |
| 3 CSR 10-9.627                            | Conservation Commission .....                          |                     | 25 MoReg 1409 ..... | 25 MoReg 2111 |               |
| 3 CSR 10-9.640                            | Conservation Commission .....                          |                     | 25 MoReg 1410 ..... | 25 MoReg 2111 |               |
| 3 CSR 10-9.645                            | Conservation Commission .....                          |                     | 25 MoReg 1412 ..... | 25 MoReg 2111 |               |
| 3 CSR 10-10.707                           | Conservation Commission .....                          |                     | 25 MoReg 1412 ..... | 25 MoReg 2111 |               |
| 3 CSR 10-10.782                           | Conservation Commission .....                          |                     | 25 MoReg 1412 ..... | 25 MoReg 2112 |               |
| 3 CSR 10-11.805                           | Conservation Commission .....                          |                     | 25 MoReg 1413 ..... | 25 MoReg 2112 |               |
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| 4 CSR 10-2.090                            | Missouri State Board of Accountancy .....              |                     | This IssueR         |               |               |
| 4 CSR 10-2.095                            | Missouri State Board of Accountancy .....              |                     | This Issue          |               |               |
| 4 CSR 15-1.010                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-1.020                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-1.030                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-1.040                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-2.010                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
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| 4 CSR 15-2.030                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-2.040                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-3.010                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-3.020                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-3.030                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-4.010                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-4.020                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-5.010                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 15-5.020                            | Acupuncturist Advisory Committee .....                 |                     | This Issue          |               |               |
| 4 CSR 40-1.021                            | Office of Athletics .....                              | 21 MoReg 2680       |                     |               |               |
| 4 CSR 40-5.070                            | Office of Athletics .....                              | 21 MoReg 1963       |                     |               |               |
| 4 CSR 65-1.020                            | Endowed Care Cemeteries .....                          | 25 MoReg 1197 ..... | 25 MoReg 2245       |               |               |
| 4 CSR 65-1.030                            | Endowed Care Cemeteries .....                          | 25 MoReg 1197 ..... | 25 MoReg 2245       |               |               |
| 4 CSR 65-1.040                            | Endowed Care Cemeteries .....                          | 25 MoReg 1197 ..... | 25 MoReg 2245       |               |               |
| 4 CSR 65-1.050                            | Endowed Care Cemeteries .....                          | 25 MoReg 1202 ..... | 25 MoReg 2246       |               |               |
| 4 CSR 65-1.060                            | Endowed Care Cemeteries .....                          | 25 MoReg 1205 ..... | 25 MoReg 2246       |               |               |
| 4 CSR 65-2.020                            | Endowed Care Cemeteries .....                          | 25 MoReg 1205 ..... | 25 MoReg 2246       |               |               |
| 4 CSR 65-2.030                            | Endowed Care Cemeteries .....                          | 25 MoReg 1208 ..... | 25 MoReg 2246       |               |               |
| 4 CSR 65-2.040                            | Endowed Care Cemeteries .....                          | 25 MoReg 1212 ..... | 25 MoReg 2246       |               |               |
| 4 CSR 70-2.031                            | State Board of Chiropractic Examiners .....            | 25 MoReg 1215 ..... | 25 MoReg 2319       |               |               |
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| 4 CSR 70-2.080                            | State Board of Chiropractic Examiners .....            | 25 MoReg 1215 ..... | 25 MoReg 2319       |               |               |
| 4 CSR 70-2.090                            | State Board of Chiropractic Examiners .....            | 25 MoReg 1216 ..... | 25 MoReg 2319       |               |               |
| 4 CSR 70-2.100                            | State Board of Chiropractic Examiners .....            | 25 MoReg 925 .....  | 25 MoReg 2320       |               |               |
| 4 CSR 90-1.010                            | State Board of Cosmetology .....                       | 25 MoReg 926 .....  | 25 MoReg 1980       |               |               |
| 4 CSR 90-2.010                            | State Board of Cosmetology .....                       | 25 MoReg 928 .....  | 25 MoReg 1981       |               |               |
| 4 CSR 90-3.010                            | State Board of Cosmetology .....                       | 25 MoReg 928 .....  | 25 MoReg 1981       |               |               |
| 4 CSR 90-4.010                            | State Board of Cosmetology .....                       | 25 MoReg 2048       |                     |               |               |
| 4 CSR 90-4.020                            | State Board of Cosmetology .....                       | 25 MoReg 931R ..... | 25 MoReg 1981R      |               |               |
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| 4 CSR 90-11.010                           | State Board of Cosmetology .....                       | 25 MoReg 931 .....  | 25 MoReg 1981       |               |               |
| 4 CSR 90-13.010                           | State Board of Cosmetology .....                       | 25 MoReg 932 .....  | 25 MoReg 1982       |               |               |
| 4 CSR 100                                 | Division of Credit Unions .....                        |                     |                     |               | 25 MoReg 1650 |
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|   |  |                     |                     |               | 25 MoReg 2012 |
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|   |  |                     |                     |               | 25 MoReg 2335 |
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| 4 CSR 100-2.045                           | Division of Credit Unions .....                        | 25 MoReg 932 .....  | 25 MoReg 1982       |               |               |
| 4 CSR 110-2.090                           | Missouri Dental Board .....                            | 25 MoReg 1216 ..... | 25 MoReg 2320       |               |               |
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| 4 CSR 115-1.020                           | State Committee of Dietitians .....                    | 25 MoReg 937 .....  | 25 MoReg 1983       |               |               |
| 4 CSR 115-1.030                           | State Committee of Dietitians .....                    | 25 MoReg 940 .....  | 25 MoReg 1983       |               |               |
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| 4 CSR 115-2.010                           | State Committee of Dietitians .....                    | 25 MoReg 943 .....  | 25 MoReg 1983       |               |               |
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| 4 CSR 115-2.030                           | State Committee of Dietitians .....                    | 25 MoReg 948 .....  | 25 MoReg 1983       |               |               |
| 4 CSR 115-2.040                           | State Committee of Dietitians .....                    | 25 MoReg 951 .....  | 25 MoReg 1984       |               |               |
| 4 CSR 115-2.050                           | State Committee of Dietitians .....                    | 25 MoReg 955 .....  | 25 MoReg 1984       |               |               |
| 4 CSR 120-1.030                           | Board of Embalmers and Funeral Directors .....         | 25 MoReg 959 .....  | 25 MoReg 1984       |               |               |
| 4 CSR 120-2.010                           | Board of Embalmers and Funeral Directors .....         | 25 MoReg 959 .....  | 25 MoReg 1984       |               |               |
| 4 CSR 120-2.060                           | Board of Embalmers and Funeral Directors .....         | 25 MoReg 960 .....  | 25 MoReg 1984       |               |               |
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| 4 CSR 145-2.055                           | Missouri Board of Geologist Registration .....         | 25 MoReg 2049       |                     |               |               |
| 4 CSR 145-2.060                           | Missouri Board of Geologist Registration .....         | 25 MoReg 2053       |                     |               |               |
| 4 CSR 145-2.070                           | Missouri Board of Geologist Registration .....         | 25 MoReg 2053       |                     |               |               |
| 4 CSR 150-2.001                           | State Board of Registration for the Healing Arts ..... | 25 MoReg 2053       |                     |               |               |
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| 4 CSR 150-2.065                           | State Board of Registration for the Healing Arts ..... | 25 MoReg 2054       |                     |               |               |
| 4 CSR 150-2.080                           | State Board of Registration for the Healing Arts ..... | 25 MoReg 2054       |                     |               |               |
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| 4 CSR 150-3.170  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 1217  | .....25 MoReg 2247 |             |
| 4 CSR 150-3.203  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2055  |                    |             |
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| 4 CSR 150-4.110  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2058R |                    |             |
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| 4 CSR 150-4.115  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2059R |                    |             |
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| 4 CSR 150-4.120  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2060R |                    |             |
|                  |  | .....     | 25 MoReg 2060  |                    |             |
| 4 CSR 150-4.125  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2065  |                    |             |
| 4 CSR 150-4.130  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2065  |                    |             |
| 4 CSR 150-4.200  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2214  |                    |             |
| 4 CSR 150-4.201  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2215  |                    |             |
| 4 CSR 150-4.203  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2215  |                    |             |
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| 4 CSR 150-4.210  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2221  |                    |             |
| 4 CSR 150-4.215  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2221  |                    |             |
| 4 CSR 150-6.020  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2065  |                    |             |
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| 4 CSR 150-6.030  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2071  |                    |             |
| 4 CSR 150-6.060  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2071  |                    |             |
| 4 CSR 150-6.070  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2076  |                    |             |
| 4 CSR 150-7.100  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2076  |                    |             |
| 4 CSR 150-7.120  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2076  |                    |             |
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| 4 CSR 150-7.200  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2080  |                    |             |
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| 4 CSR 150-7.310  | State Board of Registration for the Healing Arts | .....     | 25 MoReg 2086  |                    |             |
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| 4 CSR 197-1.020  | Board of Therapeutic Massage                     | .....     | 25 MoReg 795   | .....25 MoReg 2114 |             |
| 4 CSR 197-1.030  | Board of Therapeutic Massage                     | .....     | 25 MoReg 795   | .....25 MoReg 2114 |             |
| 4 CSR 197-1.040  | Board of Therapeutic Massage                     | .....     | 25 MoReg 800   | .....25 MoReg 2114 |             |
| 4 CSR 197-2.010  | Board of Therapeutic Massage                     | .....     | 25 MoReg 800   | .....25 MoReg 2115 |             |
| 4 CSR 197-2.020  | Board of Therapeutic Massage                     | .....     | 25 MoReg 806   | .....25 MoReg 2122 |             |
| 4 CSR 197-2.030  | Board of Therapeutic Massage                     | .....     | 25 MoReg 810   | .....25 MoReg 2122 |             |
| 4 CSR 197-2.040  | Board of Therapeutic Massage                     | .....     | 25 MoReg 814   | .....25 MoReg 2123 |             |
| 4 CSR 197-2.050  | Board of Therapeutic Massage                     | .....     | 25 MoReg 818   | .....25 MoReg 2124 |             |
| 4 CSR 197-3.010  | Board of Therapeutic Massage                     | .....     | 25 MoReg 822   | .....25 MoReg 2125 |             |
| 4 CSR 197-4.010  | Board of Therapeutic Massage                     | .....     | 25 MoReg 825   | .....25 MoReg 2130 |             |
| 4 CSR 197-4.020  | Board of Therapeutic Massage                     | .....     | 25 MoReg 829   | .....25 MoReg 2131 |             |
| 4 CSR 197-5.010  | Board of Therapeutic Massage                     | .....     | 25 MoReg 832   | .....25 MoReg 2131 |             |
| 4 CSR 197-5.020  | Board of Therapeutic Massage                     | .....     | 25 MoReg 832   | .....25 MoReg 2133 |             |
| 4 CSR 197-5.030  | Board of Therapeutic Massage                     | .....     | 25 MoReg 837   | .....25 MoReg 2134 |             |
| 4 CSR 197-5.040  | Board of Therapeutic Massage                     | .....     | 25 MoReg 842   | .....25 MoReg 2135 |             |
| 4 CSR 197-6.010  | Board of Therapeutic Massage                     | .....     | 25 MoReg 846   | .....25 MoReg 2136 |             |
| 4 CSR 197-6.020  | Board of Therapeutic Massage                     | .....     | 25 MoReg 849   | .....25 MoReg 2136 |             |
| 4 CSR 200-4.010  | State Board of Nursing                           | .....     | 25 MoReg 1695  |                    |             |
| 4 CSR 200-4.020  | State Board of Nursing                           | .....     | 25 MoReg 1561  | .....This Issue    |             |
| 4 CSR 200-4.040  | State Board of Nursing                           | .....     | 25 MoReg 2090  |                    |             |
| 4 CSR 205-3.030  | Missouri Board of Occupational Therapy           | .....     | 25 MoReg 1697  |                    |             |
| 4 CSR 205-3.040  | Missouri Board of Occupational Therapy           | .....     | 25 MoReg 1697  |                    |             |
| 4 CSR 205-4.030  | Missouri Board of Occupational Therapy           | .....     | This Issue     |                    |             |
| 4 CSR 210-2.060  | State Board of Optometry                         | .....     | 22 MoReg 1443  |                    |             |
| 4 CSR 220-2.010  | State Board of Pharmacy                          | .....     | 25 MoReg 966   | .....25 MoReg 2136 |             |
| 4 CSR 220-2.018  | State Board of Pharmacy                          | .....     | 25 MoReg 967   | .....25 MoReg 2137 |             |
| 4 CSR 220-2.020  | State Board of Pharmacy                          | .....     | 25 MoReg 967   | .....25 MoReg 2137 |             |
| 4 CSR 220-2.036  | State Board of Pharmacy                          | .....     | 25 MoReg 968   | .....25 MoReg 2137 |             |
| 4 CSR 220-2.080  | State Board of Pharmacy                          | .....     | 25 MoReg 970   | .....25 MoReg 2137 |             |

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| 4 CSR 220-2.085  | State Board of Pharmacy .....            | 25        | MoReg 2225      |       |             |
| 4 CSR 220-2.100  | State Board of Pharmacy .....            | 25        | MoReg 971 ..... | 25    | MoReg 2137  |
| 4 CSR 220-2.120  | State Board of Pharmacy .....            | 25        | MoReg 2225      |       |             |
| 4 CSR 220-2.130  | State Board of Pharmacy .....            | 25        | MoReg 2225      |       |             |
| 4 CSR 220-2.140  | State Board of Pharmacy .....            | 25        | MoReg 2226      |       |             |
| 4 CSR 220-2.145  | State Board of Pharmacy .....            | 25        | MoReg 972 ..... | 25    | MoReg 2138  |
| 4 CSR 220-4.010  | State Board of Pharmacy .....            | 25        | MoReg 973 ..... | 25    | MoReg 2138  |
| 4 CSR 220-5.020  | State Board of Pharmacy .....            | 25        | MoReg 973 ..... | 25    | MoReg 2138  |
| 4 CSR 220-5.030  | State Board of Pharmacy .....            | 25        | MoReg 973 ..... | 25    | MoReg 2138  |
| 4 CSR 220-5.050  | State Board of Pharmacy .....            | 25        | MoReg 974 ..... | 25    | MoReg 2138  |
| 4 CSR 220-5.070  | State Board of Pharmacy .....            | 25        | MoReg 977 ..... | 25    | MoReg 2139  |
| 4 CSR 235-1.020  | State Committee of Psychologists .....   | 25        | MoReg 977 ..... | 25    | MoReg 1984  |
| 4 CSR 235-2.005  | State Committee of Psychologists .....   | 25        | MoReg 1697      |       |             |
| 4 CSR 240-2.125  | Public Service Commission .....          | 25        | MoReg 1415      |       |             |
| 4 CSR 240-32.110 | Public Service Commission .....          | 25        | MoReg 1957R     |       |             |
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| 4 CSR 255-4.010  | Missouri Board of Respiratory Care ..... | 25        | MoReg 1829      |       |             |
| 4 CSR 270-2.031  | Missouri Veterinary Medical Board .....  | 25        | MoReg 2227      |       |             |
| 4 CSR 270-2.041  | Missouri Veterinary Medical Board .....  | 25        | MoReg 2229      |       |             |
| 4 CSR 270-2.060  | Missouri Veterinary Medical Board .....  | 25        | MoReg 2231      |       |             |

**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

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| 5 CSR 30-4.020   | Division of School Services .....    | 25 | MoReg 2090R       |             |             |
| 5 CSR 30-261.045 | Division of School Services .....    | 25 | MoReg 1063R ..... | 25          | MoReg 2320R |
|                  | .....                                | 25 | MoReg 1063 .....  | 25          | MoReg 2320  |
| 5 CSR 50-270.010 | Division of Instruction .....        | 25 | MoReg 2231        |             |             |
| 5 CSR 60-120.070 | Vocational and Adult Education ..... | 25 | MoReg 2090        |             |             |
| 5 CSR 60-480.100 | Vocational and Adult Education ..... | 25 | MoReg 2091        |             |             |
| 5 CSR 60-900.050 | Vocational and Adult Education ..... | 25 | MoReg 2093        |             |             |
| 5 CSR 70-742.170 | Special Education .....              | 25 | MoReg 2234        |             |             |
| 5 CSR 80-800.001 | Urban and Teacher Education .....    | 25 | MoReg 1416R ..... | This IssueR |             |
| 5 CSR 80-800.200 | Urban and Teacher Education .....    | 25 | MoReg 1416 .....  | This Issue  |             |
| 5 CSR 80-800.210 | Urban and Teacher Education .....    | 25 | MoReg 1420R ..... | This IssueR |             |
| 5 CSR 80-800.220 | Urban and Teacher Education .....    | 25 | MoReg 1420 .....  | This Issue  |             |
| 5 CSR 80-800.230 | Urban and Teacher Education .....    | 25 | MoReg 1425 .....  | This Issue  |             |
| 5 CSR 80-800.260 | Urban and Teacher Education .....    | 25 | MoReg 1431 .....  | This Issue  |             |
| 5 CSR 80-800.270 | Urban and Teacher Education .....    | 25 | MoReg 1435 .....  | This Issue  |             |
| 5 CSR 80-800.280 | Urban and Teacher Education .....    | 25 | MoReg 1438 .....  | This Issue  |             |
| 5 CSR 80-800.350 | Urban and Teacher Education .....    | 25 | MoReg 1442 .....  | This Issue  |             |
| 5 CSR 80-800.360 | Urban and Teacher Education .....    | 25 | MoReg 1445 .....  | This Issue  |             |
| 5 CSR 80-800.370 | Urban and Teacher Education .....    | 25 | MoReg 1450 .....  | This Issue  |             |
| 5 CSR 80-800.380 | Urban and Teacher Education .....    | 25 | MoReg 1453 .....  | This Issue  |             |
| 5 CSR 80-805.015 | Urban and Teacher Education .....    | 25 | MoReg 2234        |             |             |
| 5 CSR 80-805.016 | Urban and Teacher Education .....    | 25 | MoReg 2235        |             |             |

**DEPARTMENT OF TRANSPORTATION**

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| 7 CSR 10-1.010 | Highways and Transportation Commission ..... | 25 | MoReg 1830R       |    |             |
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| 7 CSR 10-2.010 | Highways and Transportation Commission ..... | 24 | MoReg 1367R       |    |             |
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| 7 CSR 10-8.010 | Highways and Transportation Commission ..... | 25 | MoReg 1529R ..... | 25 | MoReg 1562R |
| 7 CSR 10-8.011 | Highways and Transportation Commission ..... | 25 | MoReg 1529 .....  | 25 | MoReg 1563  |
| 7 CSR 10-8.020 | Highways and Transportation Commission ..... | 25 | MoReg 1530R ..... | 25 | MoReg 1564R |
| 7 CSR 10-8.021 | Highways and Transportation Commission ..... | 25 | MoReg 1532 .....  | 25 | MoReg 1565  |
| 7 CSR 10-8.030 | Highways and Transportation Commission ..... | 25 | MoReg 1535R ..... | 25 | MoReg 1570R |
| 7 CSR 10-8.031 | Highways and Transportation Commission ..... | 25 | MoReg 1535 .....  | 25 | MoReg 1570  |
| 7 CSR 10-8.040 | Highways and Transportation Commission ..... | 25 | MoReg 1536R ..... | 25 | MoReg 1574R |
| 7 CSR 10-8.041 | Highways and Transportation Commission ..... | 25 | MoReg 1537 .....  | 25 | MoReg 1574  |
| 7 CSR 10-8.050 | Highways and Transportation Commission ..... | 25 | MoReg 1537R ..... | 25 | MoReg 1574R |
| 7 CSR 10-8.051 | Highways and Transportation Commission ..... | 25 | MoReg 1538 .....  | 25 | MoReg 1575  |
| 7 CSR 10-8.060 | Highways and Transportation Commission ..... | 25 | MoReg 1541R ..... | 25 | MoReg 1582R |
| 7 CSR 10-8.061 | Highways and Transportation Commission ..... | 25 | MoReg 1542 .....  | 25 | MoReg 1582  |
| 7 CSR 10-8.070 | Highways and Transportation Commission ..... | 25 | MoReg 1542R ..... | 25 | MoReg 1584R |
| 7 CSR 10-8.071 | Highways and Transportation Commission ..... | 25 | MoReg 1542 .....  | 25 | MoReg 1584  |
| 7 CSR 10-8.080 | Highways and Transportation Commission ..... | 25 | MoReg 1543R ..... | 25 | MoReg 1588R |
| 7 CSR 10-8.081 | Highways and Transportation Commission ..... | 25 | MoReg 1544 .....  | 25 | MoReg 1588  |
| 7 CSR 10-8.090 | Highways and Transportation Commission ..... | 25 | MoReg 1545R ..... | 25 | MoReg 1591R |
| 7 CSR 10-8.091 | Highways and Transportation Commission ..... | 25 | MoReg 1546 .....  | 25 | MoReg 1591  |
| 7 CSR 10-8.101 | Highways and Transportation Commission ..... | 25 | MoReg 1548 .....  | 25 | MoReg 1597  |
| 7 CSR 10-8.111 | Highways and Transportation Commission ..... | 25 | MoReg 1549 .....  | 25 | MoReg 1597  |
| 7 CSR 10-8.121 | Highways and Transportation Commission ..... | 25 | MoReg 1550 .....  | 25 | MoReg 1660  |
| 7 CSR 10-8.131 | Highways and Transportation Commission ..... | 25 | MoReg 1552 .....  | 25 | MoReg 1603  |
| 7 CSR 10-8.141 | Highways and Transportation Commission ..... | 25 | MoReg 1553 .....  | 25 | MoReg 1606  |
| 7 CSR 10-8.151 | Highways and Transportation Commission ..... | 25 | MoReg 1555 .....  | 25 | MoReg 1610  |
| 7 CSR 10-8.161 | Highways and Transportation Commission ..... | 25 | MoReg 1556 .....  | 25 | MoReg 1614  |
| 7 CSR 10-8.200 | Highways and Transportation Commission ..... | 25 | MoReg 1557R ..... | 25 | MoReg 1614R |
| 7 CSR 10-8.210 | Highways and Transportation Commission ..... | 25 | MoReg 1558R ..... | 25 | MoReg 1615R |
| 7 CSR 10-8.220 | Highways and Transportation Commission ..... | 25 | MoReg 1558R ..... | 25 | MoReg 1615R |
| 7 CSR 10-8.230 | Highways and Transportation Commission ..... | 25 | MoReg 1558R ..... | 25 | MoReg 1615R |
| 7 CSR 10-8.240 | Highways and Transportation Commission ..... | 25 | MoReg 1559R ..... | 25 | MoReg 1616R |
| 7 CSR 10-8.250 | Highways and Transportation Commission ..... | 25 | MoReg 1559R ..... | 25 | MoReg 1616R |

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| 7 CSR 10-8.260                                      | Highways and Transportation Commission   | .....25 MoReg 1560R | .....25 MoReg 1616R |       |                      |
| 7 CSR 10-8.270                                      | Highways and Transportation Commission   | .....25 MoReg 1560R | .....25 MoReg 1617R |       |                      |
| 7 CSR 10 14.010                                     | Highways and Transportation Commission   | .....25 MoReg 635   | .....25 MoReg 2097  |       |                      |
| 7 CSR 10 14.020                                     | Highways and Transportation Commission   | .....25 MoReg 629   | .....25 MoReg 639   |       |                      |
| 7 CSR 10 14.030                                     | Highways and Transportation Commission   | .....25 MoReg 629   | .....25 MoReg 639   |       |                      |
| 7 CSR 10 14.040                                     | Highways and Transportation Commission   | .....25 MoReg 630   | .....25 MoReg 640   |       |                      |
| 7 CSR 10 14.050                                     | Highways and Transportation Commission   | .....25 MoReg 2045  | .....25 MoReg 2102  |       |                      |
| 7 CSR 10 14.060                                     | Highways and Transportation Commission   | .....25 MoReg 641   | .....25 MoReg 2102  |       |                      |
| <b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b> |  |                     |                     |       |                      |
| 8 CSR 5-1.010                                       | Administration                           | .....25 MoReg 2103R |                     |       |                      |
| 8 CSR 10-2.020                                      | Division of Employment Security          | .....25 MoReg 1217  | .....25 MoReg 2248  |       |                      |
| 8 CSR 10-4.160                                      | Division of Employment Security          | .....25 MoReg 1617  | .....This Issue     |       |                      |
| 8 CSR 30-3.010                                      | Division of Labor Standards              | .....25 MoReg 1066  | .....25 MoReg 2248  |       |                      |
| 8 CSR 30-4.030                                      | Division of Labor Standards              | .....25 MoReg 1066  | .....25 MoReg 2248  |       |                      |
| 8 CSR 50-2.030                                      | Workers' Compensation                    | .....25 MoReg 536R  | .....25 MoReg 1985R |       |                      |
| 8 CSR 50-4.010                                      | Workers' Compensation                    | .....25 MoReg 536   | .....25 MoReg 1985  |       |                      |
| 8 CSR 50-7.050                                      | Workers' Compensation                    | .....25 MoReg 537R  | .....25 MoReg 1986R |       |                      |
| 8 CSR 50-7.060                                      | Workers' Compensation                    | .....25 MoReg 538   | .....25 MoReg 1987  |       |                      |
| 8 CSR 50-7.070                                      | Workers' Compensation                    | .....25 MoReg 1698  |                     |       |                      |
| 8 CSR 60-3.040                                      | Commission on Human Rights               | .....24 MoReg 2565  |                     |       | .....25 MoReg 598RUC |
| 8 CSR 70-1.010                                      | MO Assistive Technology Advisory Council | .....25 MoReg 144T  |                     |       |                      |
| 8 CSR 70-1.010                                      | MO Assistive Technology Advisory Council | .....25 MoReg 2191  | .....25 MoReg 2237  |       |                      |
| <b>DEPARTMENT OF MENTAL HEALTH</b>                  |  |                     |                     |       |                      |
| 9 CSR 30-4.042                                      | Certification Standards                  | .....25 MoReg 1955  | .....25 MoReg 1961  |       |                      |
| <b>DEPARTMENT OF NATURAL RESOURCES</b>              |  |                     |                     |       |                      |
| 10 CSR 10-2.010                                     | Air Conservation Commission              |                     |                     |       | .....24 MoReg 420    |
| 10 CSR 10-2.030                                     | Air Conservation Commission              | .....25 MoReg 2292R |                     |       |                      |
| 10 CSR 10-2.205                                     | Air Conservation Commission              | .....25 MoReg 2292  |                     |       |                      |
| 10 CSR 10-2.215                                     | Air Conservation Commission              | .....25 MoReg 2298R |                     |       |                      |
| 10 CSR 10-3.050                                     | Air Conservation Commission              | .....This Issue     |                     |       |                      |
| 10 CSR 10-4.030                                     | Air Conservation Commission              | .....25 MoReg 2298R |                     |       |                      |
| 10 CSR 10-5.050                                     | Air Conservation Commission              | .....25 MoReg 2298R |                     |       |                      |
| 10 CSR 10-5.070                                     | Air Conservation Commission              | .....25 MoReg 2298R |                     |       |                      |
| 10 CSR 10-5.330                                     | Air Conservation Commission              | .....24 MoReg 2224  |                     |       |                      |
| 10 CSR 10-5.375                                     | Air Conservation Commission              | .....25 MoReg 1698  |                     |       |                      |
| 10 CSR 10-5.451                                     | Air Conservation Commission              | .....25 MoReg 2299  |                     |       |                      |
| 10 CSR 10-6.070                                     | Air Conservation Commission              | .....25 MoReg 649   | .....25 MoReg 1987  |       |                      |
| 10 CSR 10-6.075                                     | Air Conservation Commission              | .....25 MoReg 1618  |                     |       |                      |
| 10 CSR 10-6.080                                     | Air Conservation Commission              | .....25 MoReg 1618  |                     |       |                      |
| 10 CSR 10-6.100                                     | Air Conservation Commission              | .....25 MoReg 1623  |                     |       |                      |
| 10 CSR 10-6.120                                     | Air Conservation Commission              | .....25 MoReg 1218  | .....This Issue     |       |                      |
| 10 CSR 10-6.350                                     | Air Conservation Commission              | .....25 MoReg 2303  |                     |       |                      |
| 10 CSR 20-7.015                                     | Clean Water Commission                   | .....25 MoReg 649   | .....25 MoReg 1988  |       |                      |
| 10 CSR 25-12.010                                    | Hazardous Waste Management Commission    | .....25 MoReg 264   | .....25 MoReg 2007  |       |                      |
| 10 CSR 40-3.010                                     | Land Reclamation Commission              | .....25 MoReg 1066  | .....25 MoReg 2321  |       |                      |
| 10 CSR 40-3.020                                     | Land Reclamation Commission              | .....25 MoReg 1066  | .....25 MoReg 2321  |       |                      |
| 10 CSR 40-3.040                                     | Land Reclamation Commission              | .....25 MoReg 1067  | .....25 MoReg 2321  |       |                      |
| 10 CSR 40-3.050                                     | Land Reclamation Commission              | .....25 MoReg 1070  | .....25 MoReg 2321  |       |                      |
| 10 CSR 40-3.080                                     | Land Reclamation Commission              | .....25 MoReg 1071  | .....25 MoReg 2321  |       |                      |
| 10 CSR 40-3.090                                     | Land Reclamation Commission              | .....25 MoReg 1072  | .....25 MoReg 2322  |       |                      |
| 10 CSR 40-3.110                                     | Land Reclamation Commission              | .....25 MoReg 1072  | .....25 MoReg 2322  |       |                      |
| 10 CSR 40-3.120                                     | Land Reclamation Commission              | .....25 MoReg 1073  | .....25 MoReg 2322  |       |                      |
| 10 CSR 40-3.140                                     | Land Reclamation Commission              | .....25 MoReg 1074  | .....25 MoReg 2322  |       |                      |
| 10 CSR 40-3.200                                     | Land Reclamation Commission              | .....25 MoReg 1074  | .....25 MoReg 2322  |       |                      |
| 10 CSR 40-3.240                                     | Land Reclamation Commission              | .....25 MoReg 1078  | .....25 MoReg 2323  |       |                      |
| 10 CSR 40-3.270                                     | Land Reclamation Commission              | .....25 MoReg 1078  | .....25 MoReg 2323  |       |                      |
| 10 CSR 40-4.010                                     | Land Reclamation Commission              | .....25 MoReg 1079  | .....25 MoReg 2323  |       |                      |
| 10 CSR 40-4.020                                     | Land Reclamation Commission              | .....25 MoReg 1079  | .....25 MoReg 2323  |       |                      |
| 10 CSR 40-4.030                                     | Land Reclamation Commission              | .....25 MoReg 1080  | .....25 MoReg 2323  |       |                      |
| 10 CSR 40-4.050                                     | Land Reclamation Commission              | .....25 MoReg 1081  | .....25 MoReg 2323  |       |                      |
| 10 CSR 40-5.010                                     | Land Reclamation Commission              | .....25 MoReg 1081  | .....25 MoReg 2324  |       |                      |
| 10 CSR 40-6.010                                     | Land Reclamation Commission              | .....25 MoReg 1082  | .....25 MoReg 2324  |       |                      |
| 10 CSR 40-6.020                                     | Land Reclamation Commission              | .....25 MoReg 1083  | .....25 MoReg 2324  |       |                      |
| 10 CSR 40-6.030                                     | Land Reclamation Commission              | .....25 MoReg 1083  | .....25 MoReg 2324  |       |                      |
| 10 CSR 40-6.040                                     | Land Reclamation Commission              | .....25 MoReg 1084  | .....25 MoReg 2324  |       |                      |
| 10 CSR 40-6.050                                     | Land Reclamation Commission              | .....25 MoReg 1085  | .....25 MoReg 2325  |       |                      |
| 10 CSR 40-6.060                                     | Land Reclamation Commission              | .....25 MoReg 1087  | .....25 MoReg 2325  |       |                      |
| 10 CSR 40-6.070                                     | Land Reclamation Commission              | .....25 MoReg 1088  | .....25 MoReg 2326  |       |                      |

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| 10 CSR 40-6.090  | Land Reclamation Commission .....                             | 25        | MoReg 1089  | 25 MoReg 2326  |               |
| 10 CSR 40-6.100  | Land Reclamation Commission .....                             | 25        | MoReg 1090  | 25 MoReg 2326  |               |
| 10 CSR 40-6.120  | Land Reclamation Commission .....                             | 25        | MoReg 1091  | 25 MoReg 2326  |               |
| 10 CSR 40-7.011  | Land Reclamation Commission .....                             | 25        | MoReg 1092  | 25 MoReg 2327  |               |
| 10 CSR 40-7.021  | Land Reclamation Commission .....                             | 25        | MoReg 1094  | 25 MoReg 2327  |               |
| 10 CSR 40-8.010  | Land Reclamation Commission .....                             | 25        | MoReg 1095  | 25 MoReg 2327  |               |
| 10 CSR 40-8.030  | Land Reclamation Commission .....                             | 25        | MoReg 1101  | 25 MoReg 2327  |               |
| 10 CSR 40-8.050  | Land Reclamation Commission .....                             | 25        | MoReg 1102  | 25 MoReg 2327  |               |
| 10 CSR 40-8.070  | Land Reclamation Commission .....                             | 25        | MoReg 1103  | 25 MoReg 2328  |               |
| 10 CSR 40-9.020  | Land Reclamation Commission .....                             | 25        | MoReg 1107  | 25 MoReg 2328  |               |
| 10 CSR 40-10.010 | Land Reclamation Commission .....                             | 25        | MoReg 1623  |                |               |
| 10 CSR 40-10.020 | Land Reclamation Commission .....                             | 25        | MoReg 1623  |                |               |
| 10 CSR 40-10.040 | Land Reclamation Commission .....                             | 25        | MoReg 1627  |                |               |
| 10 CSR 40-10.100 | Land Reclamation Commission .....                             | 25        | MoReg 1627  |                |               |
| 10 CSR 45-1.010  | Metallic Minerals Waste Management .....                      | 24        | MoReg 2049  |                |               |
|                  | .....   | 25        | MoReg 978   | 25 MoReg 2009  |               |
| 10 CSR 45-2.010  | Metallic Minerals Waste Management .....                      | 24        | MoReg 2049  |                |               |
|                  | .....   | 25        | MoReg 978   | 25 MoReg 2009  |               |
| 10 CSR 45-3.010  | Metallic Minerals Waste Management .....                      | 24        | MoReg 1258R |                |               |
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|                  | .....   | 25        | MoReg 978R  | 25 MoReg 2010R |               |
|                  | .....   | 25        | MoReg 978   | 25 MoReg 2010  |               |
| 10 CSR 45-6.010  | Metallic Minerals Waste Management .....                      | 24        | MoReg 2049  |                |               |
|                  | .....   | 25        | MoReg 987   | 25 MoReg 2010  |               |
| 10 CSR 45-6.020  | Metallic Minerals Waste Management .....                      | 24        | MoReg 2049  |                |               |
|                  | .....   | 25        | MoReg 987   | 25 MoReg 2010  |               |
| 10 CSR 45-6.030  | Metallic Minerals Waste Management .....                      | 24        | MoReg 2050  |                |               |
|                  | .....   | 25        | MoReg 987   | 25 MoReg 2010  |               |
| 10 CSR 60-5.010  | Public Drinking Water Program .....                           | 25        | MoReg 539   | 25 MoReg 2139  |               |
| 10 CSR 100-2.010 | Petroleum Storage Tank Insurance Fund Board of Trustees ..... | 25        | MoReg 1108  | 25 MoReg 2139  |               |
| 10 CSR 100-5.010 | Petroleum Storage Tank Insurance Fund Board of Trustees ..... | 25        | MoReg 1108  | 25 MoReg 2139  |               |
| 10 CSR 140-2     | Division of Energy .....                                      |           |             |                | 24 MoReg 2243 |

**DEPARTMENT OF PUBLIC SAFETY**

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| 11 CSR 10-1.010  | Adjutant General .....                     | 25 | MoReg 2239  |                |  |
| 11 CSR 10-3.015  | Adjutant General .....                     | 25 | MoReg 2193  | 25 MoReg 2239  |  |
| 11 CSR 10-12.010 | Adjutant General .....                     | 25 | MoReg 1700  |                |  |
| 11 CSR 10-12.020 | Adjutant General .....                     | 25 | MoReg 1700  |                |  |
| 11 CSR 10-12.030 | Adjutant General .....                     | 25 | MoReg 1700  |                |  |
| 11 CSR 10-12.040 | Adjutant General .....                     | 25 | MoReg 1701  |                |  |
| 11 CSR 10-12.050 | Adjutant General .....                     | 25 | MoReg 1701  |                |  |
| 11 CSR 10-12.060 | Adjutant General .....                     | 25 | MoReg 1701  |                |  |
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| 11 CSR 40-5.050  | Division of Fire Safety .....              |    | This Issue  |                |  |
| 11 CSR 40-5.065  | Division of Fire Safety .....              |    | This Issue  |                |  |
| 11 CSR 40-5.090  | Division of Fire Safety .....              |    | This Issue  |                |  |
| 11 CSR 40-5.120  | Division of Fire Safety .....              | 25 | MoReg 2283  | This Issue     |  |
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| 11 CSR 45-5.053  | Missouri Gaming Commission .....           | 25 | MoReg 853   | 25 MoReg 2139  |  |
| 11 CSR 45-5.075  | Missouri Gaming Commission .....           | 25 | MoReg 1631  |                |  |
| 11 CSR 45-5.183  | Missouri Gaming Commission .....           | 25 | MoReg 2103  |                |  |
| 11 CSR 45-11.110 | Missouri Gaming Commission .....           | 25 | MoReg 1679  | 25 MoReg 1702  |  |
| 11 CSR 45-13.055 | Missouri Gaming Commission .....           | 24 | MoReg 2144  |                |  |
| 11 CSR 45-17.030 | Missouri Gaming Commission .....           | 25 | MoReg 854   | 25 MoReg 2140  |  |
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| 11 CSR 75-6.030  | Peace Officer Standards and Training ..... | 25 | MoReg 1631  | This Issue     |  |
| 11 CSR 75-11.010 | Peace Officer Standards and Training ..... | 25 | MoReg 2307  |                |  |
| 11 CSR 75-11.020 | Peace Officer Standards and Training ..... | 25 | MoReg 2307  |                |  |
| 11 CSR 75-11.030 | Peace Officer Standards and Training ..... | 25 | MoReg 2308  |                |  |
| 11 CSR 75-11.040 | Peace Officer Standards and Training ..... | 25 | MoReg 2309R |                |  |
| 11 CSR 75-11.070 | Peace Officer Standards and Training ..... | 25 | MoReg 2309  |                |  |

**DEPARTMENT OF REVENUE**

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| 12 CSR 10-3.005 | Director of Revenue .....              | 25 | MoReg 1703R |                |               |
| 12 CSR 10-3.006 | Director of Revenue .....              | 25 | MoReg 1703R |                |               |
| 12 CSR 10-3.007 | Director of Revenue .....              | 25 | MoReg 1703R |                |               |
| 12 CSR 10-3.098 | Director of Revenue .....              | 25 | MoReg 1456R | 25 MoReg 2329R |               |
| 12 CSR 10-3.131 | Director of Revenue .....              |    | This IssueR |                |               |
| 12 CSR 10-3.166 | Director of Revenue .....              | 25 | MoReg 1703R |                |               |
| 12 CSR 10-3.172 | Director of Revenue .....              | 25 | MoReg 1704R |                |               |
| 12 CSR 10-3.210 | Director of Revenue .....              |    | This IssueR |                |               |
| 12 CSR 10-3.248 | Director of Revenue .....              | 25 | MoReg 1704R |                |               |
| 12 CSR 10-3.260 | Director of Revenue .....              | 25 | MoReg 1704R |                |               |
| 12 CSR 10-3.262 | Director of Revenue .....              | 25 | MoReg 1704R |                |               |
| 12 CSR 10-3.274 | Director of Revenue .....              | 25 | MoReg 1705R |                |               |
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| 12 CSR 10-3.282 | Director of Revenue .....              | 25 | MoReg 1705R |                |               |
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| 12 CSR 10-3.290                       | Director of Revenue  |              | 25 MoReg 1706R |                |             |
| 12 CSR 10-3.332                       | Director of Revenue  |              | 25 MoReg 1706R |                |             |
| 12 CSR 10-3.336                       | Director of Revenue  |              | 25 MoReg 1706R |                |             |
| 12 CSR 10-3.460                       | Director of Revenue  | 25 MoReg 144 |                |                |             |
| 12 CSR 10-3.516                       | Director of Revenue  |              | 25 MoReg 1456R | 25 MoReg 2329R |             |
| 12 CSR 10-3.518                       | Director of Revenue  |              | 25 MoReg 1456R | 25 MoReg 2329R |             |
| 12 CSR 10-3.520                       | Director of Revenue  |              | 25 MoReg 1456R | 25 MoReg 2329R |             |
| 12 CSR 10-3.526                       | Director of Revenue  |              | 25 MoReg 1456R | 25 MoReg 2329R |             |
| 12 CSR 10-3.528                       | Director of Revenue  |              | 25 MoReg 1457R | 25 MoReg 2329R |             |
| 12 CSR 10-3.530                       | Director of Revenue  |              | 25 MoReg 1457R | 25 MoReg 2329R |             |
| 12 CSR 10-3.590                       | Director of Revenue  |              | 25 MoReg 1706R |                |             |
| 12 CSR 10-3.834                       | Director of Revenue  |              | 25 MoReg 1707R |                |             |
| 12 CSR 10-3.850                       | Director of Revenue  |              | 25 MoReg 1707R |                |             |
| 12 CSR 10-3.852                       | Director of Revenue  |              | 25 MoReg 1457R | 25 MoReg 2330R |             |
| 12 CSR 10-3.866                       | Director of Revenue  |              | 25 MoReg 1707R |                |             |
| 12 CSR 10-4.145                       | Director of Revenue  |              | 25 MoReg 1707R |                |             |
| 12 CSR 10-4.255                       | Director of Revenue  |              | 25 MoReg 1457R | 25 MoReg 2330R |             |
| 12 CSR 10-4.260                       | Director of Revenue  |              | 25 MoReg 1458R | 25 MoReg 2330R |             |
| 12 CSR 10-4.265                       | Director of Revenue  |              | 25 MoReg 1458R | 25 MoReg 2330R |             |
| 12 CSR 10-4.275                       | Director of Revenue  |              | 25 MoReg 1458R | 25 MoReg 2330R |             |
| 12 CSR 10-4.330                       | Director of Revenue  |              | 25 MoReg 1458R | 25 MoReg 2330R |             |
| 12 CSR 10-4.624                       | Director of Revenue  |              | This IssueR    |                |             |
| 12 CSR 10-5.080                       | Director of Revenue  |              | 25 MoReg 1459R | 25 MoReg 2330R |             |
| 12 CSR 10-11.150                      | Director of Revenue  |              | 25 MoReg 1459R | 25 MoReg 2331R |             |
| 12 CSR 10-23.446                      | Director of Revenue  |              | 25 MoReg 1832  |                |             |
| 12 CSR 10-24.050                      | Director of Revenue  |              | 25 MoReg 1459  | 25 MoReg 2331  |             |
| 12 CSR 10-24.070                      | Director of Revenue  |              | 25 MoReg 1963  |                |             |
| 12 CSR 10-24.100                      | Director of Revenue  |              | 25 MoReg 1708  |                |             |
| 12 CSR 10-24.110                      | Director of Revenue  |              | 25 MoReg 1708  |                |             |
| 12 CSR 10-24.140                      | Director of Revenue  |              | 25 MoReg 1709  |                |             |
| 12 CSR 10-24.190                      | Director of Revenue  |              | 25 MoReg 1963  |                |             |
| 12 CSR 10-24.200                      | Director of Revenue  |              | 25 MoReg 1963  |                |             |
| 12 CSR 10-24.310                      | Director of Revenue  |              | 25 MoReg 1709R |                |             |
| 12 CSR 10-24.450                      | Director of Revenue  |              | 25 MoReg 1114  | 25 MoReg 2140  |             |
| 12 CSR 10-24.452                      | Director of Revenue  |              | 25 MoReg 1114  | 25 MoReg 2140  |             |
| 12 CSR 10-24.460                      | Director of Revenue  |              | 25 MoReg 1709  |                |             |
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| 12 CSR 10-103.370                     | Director of Revenue  |              | 25 MoReg 1833  |                |             |
| 12 CSR 10-103.380                     | Director of Revenue  |              | 25 MoReg 1964  |                |             |
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| 12 CSR 10-104.020                     | Director of Revenue  |              | 25 MoReg 1835  |                |             |
| 12 CSR 10-104.030                     | Director of Revenue  |              | 25 MoReg 1965  |                |             |
| 12 CSR 10-108.600                     | Director of Revenue  |              | 25 MoReg 1836  |                |             |
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| 12 CSR 10-110.220                     | Director of Revenue  |              | 25 MoReg 1837  |                |             |
| 12 CSR 10-110.950                     | Director of Revenue  |              | 25 MoReg 2242  |                |             |
| 12 CSR 10-110.990                     | Director of Revenue  |              | 25 MoReg 1966  |                |             |
| 12 CSR 10-111.013                     | Director of Revenue  |              | 24 MoReg 2632  | 25 MoReg 558   |             |
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| 12 CSR 10-112.010                     | Director of Revenue  |              | 25 MoReg 1838  |                |             |
| 12 CSR 10-113.300                     | Director of Revenue  |              | 25 MoReg 1839  |                |             |
| 12 CSR 10-115.100                     | Director of Revenue  |              | 25 MoReg 1459  | 25 MoReg 2331  |             |
| 12 CSR 30-3.025                       | State Tax Commission |              | 25 MoReg 2242  |                |             |
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| 12 CSR 40-60.010                      | State Lottery        |              | This Issue     |                |             |
| 12 CSR 40-60.030                      | State Lottery        |              | This Issue     |                |             |
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| 12 CSR 40-85.110                      | State Lottery        |              | 25 MoReg 1713R |                |             |
| 12 CSR 40-85.120                      | State Lottery        |              | 25 MoReg 1713R |                |             |
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| 12 CSR 40-85.140                      | State Lottery        |              | 25 MoReg 1713  |                |             |
| 12 CSR 40-85.150                      | State Lottery        |              | 25 MoReg 1714R |                |             |
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| 12 CSR 40-95.010                      | State Lottery        |              | 25 MoReg 1714  |                |             |

**DEPARTMENT OF SOCIAL SERVICES**

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| 13 CSR 15-4.090           | Division of Aging .....   |                | This Issue     |               |                |
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| 13 CSR 15-7.005           | Division of Aging .....   |                | 25 MoReg 1639  | .....         | This Issue     |
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| 13 CSR 15-15.045          | Division of Aging .....   |                | 25 MoReg 1460  |               |                |
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| 13 CSR 30-8.010           | Child Support Enforcement .....                                       |                | 25 MoReg 1115  | .....         | 25 MoReg 2248  |
| 13 CSR 30-9.010           | Child Support Enforcement .....                                       |                | 25 MoReg 674   | .....         | 25 MoReg 2010  |
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| 13 CSR 70-10.050          | Medical Services .....  | 25 MoReg 2198  | 25 MoReg 1971  |               |                |
| 13 CSR 70-10.080          | Medical Services .....  | 25 MoReg 2198  | 25 MoReg 1973  |               |                |
| 13 CSR 70-10.110          | Medical Services .....  |                | 25 MoReg 867   | .....         | 25 MoReg 2248  |
| 13 CSR 70-15.010          | Medical Services .....  | 25 MoReg 1383T |                |               |                |
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| 13 CSR 70-20.030          | Medical Services .....  |                | 25 MoReg 1976  |               |                |
| 13 CSR 70-20.031          | Medical Services .....  |                | 25 MoReg 1976  |               |                |
| 13 CSR 70-20.032          | Medical Services .....  |                | 25 MoReg 1976  |               |                |
| 13 CSR 70-20.034          | Medical Services .....  |                | 25 MoReg 1977  |               |                |
| 13 CSR 70-20.045          | Medical Services .....  |                | 25 MoReg 1978  |               |                |
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| 15 CSR 40-3.100           | State Auditor .....   | 25 MoReg 2045R | 25 MoReg 2103R |               |                |
| 15 CSR 40-3.110           | State Auditor .....   | 25 MoReg 2046R | 25 MoReg 2104R |               |                |
| 15 CSR 40-3.120           | State Auditor .....   | 25 MoReg 2046  | 25 MoReg 2104  |               |                |
| 15 CSR 60-10.010          | Attorney General .....  | 25 MoReg 2285  | 25 MoReg 2312  |               |                |
| 15 CSR 60-10.020          | Attorney General .....  | 25 MoReg 2285  | 25 MoReg 2312  |               |                |
| 15 CSR 60-10.030          | Attorney General .....  | 25 MoReg 2287  | 25 MoReg 2313  |               |                |
| 15 CSR 60-11.010          | Attorney General .....  |                | 24 MoReg 1103  |               |                |
| 15 CSR 60-11.020          | Attorney General .....  |                | 24 MoReg 1104  |               |                |
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| 16 CSR 20-2.060           | Missouri Local Government Employee's Retirement System (LAGERS) ..... |                | This Issue     |               |                |
| 16 CSR 20-3.010           | Missouri Local Government Employee's Retirement System (LAGERS) ..... |                | This Issue     |               |                |
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| 16 CSR 30-2.040           | Missouri State Employees' Retirement System .....                     |                | 25 MoReg 990R  | .....         | 25 MoReg 2142R |
| 16 CSR 30-2.050           | Missouri State Employees' Retirement System .....                     |                | 25 MoReg 990R  | .....         | 25 MoReg 2142R |
| 16 CSR 30-2.070           | Missouri State Employees' Retirement System .....                     |                | 25 MoReg 991R  | .....         | 25 MoReg 2142R |
| 16 CSR 30-2.120           | Missouri State Employees' Retirement System .....                     |                | 25 MoReg 991R  | .....         | 25 MoReg 2142R |
| 16 CSR 30-2.130           | Missouri State Employees' Retirement System .....                     |                | 25 MoReg 991R  | .....         | 25 MoReg 2142R |
| 16 CSR 30-2.140           | Missouri State Employees' Retirement System .....                     |                | 25 MoReg 992R  | .....         | 25 MoReg 2142R |
| 16 CSR 30-2.150           | Missouri State Employees' Retirement System .....                     |                | 25 MoReg 992R  | .....         | 25 MoReg 2143R |
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| 16 CSR 30-2.190  | Missouri State Employees' Retirement System | 25        | MoReg 993R  | 25    | MoReg 2143R |
| 16 CSR 30-2.210  | Missouri State Employees' Retirement System | 25        | MoReg 993R  | 25    | MoReg 2143R |
| 16 CSR 30-2.220  | Missouri State Employees' Retirement System | 25        | MoReg 993R  | 25    | MoReg 2143R |
| 16 CSR 30-2.240  | Missouri State Employees' Retirement System | 25        | MoReg 994R  | 25    | MoReg 2144R |
| 16 CSR 30-2.241  | Missouri State Employees' Retirement System | 25        | MoReg 994R  | 25    | MoReg 2144R |
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| 16 CSR 30-2.250  | Missouri State Employees' Retirement System | 25        | MoReg 995R  | 25    | MoReg 2144R |
| 16 CSR 30-2.260  | Missouri State Employees' Retirement System | 25        | MoReg 995R  | 25    | MoReg 2144R |
| 16 CSR 30-2.270  | Missouri State Employees' Retirement System | 25        | MoReg 995R  | 25    | MoReg 2144R |
| 16 CSR 30-2.280  | Missouri State Employees' Retirement System | 25        | MoReg 996R  | 25    | MoReg 2145R |
| 16 CSR 30-2.285  | Missouri State Employees' Retirement System | 25        | MoReg 996R  | 25    | MoReg 2145R |
| 16 CSR 30-2.290  | Missouri State Employees' Retirement System | 25        | MoReg 996R  | 25    | MoReg 2145R |
| 16 CSR 30-2.300  | Missouri State Employees' Retirement System | 25        | MoReg 996R  | 25    | MoReg 2145R |
| 16 CSR 30-2.310  | Missouri State Employees' Retirement System | 25        | MoReg 997R  | 25    | MoReg 2145R |
| 16 CSR 30-2.311  | Missouri State Employees' Retirement System | 25        | MoReg 997R  | 25    | MoReg 2145R |
| 16 CSR 30-2.320  | Missouri State Employees' Retirement System | 25        | MoReg 997R  | 25    | MoReg 2146R |
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| 16 CSR 50-2.010  | The County Employees' Retirement Fund       | 25        | MoReg 1117R |       |             |
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| 16 CSR 50-2.020  | The County Employees' Retirement Fund       | 25        | MoReg 1119R |       |             |
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| 16 CSR 50-2.030  | The County Employees' Retirement Fund       | 25        | MoReg 1120R |       |             |
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| 16 CSR 50-2.035  | The County Employees' Retirement Fund       | 25        | MoReg 1121R |       |             |
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| 16 CSR 50-2.040  | The County Employees' Retirement Fund       | 25        | MoReg 1123R |       |             |
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| 16 CSR 50-2.050  | The County Employees' Retirement Fund       | 25        | MoReg 1124R |       |             |
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| 16 CSR 50-2.060  | The County Employees' Retirement Fund       | 25        | MoReg 1124R |       |             |
| 16 CSR 50-2.080  | The County Employees' Retirement Fund       | 25        | MoReg 1125  |       |             |
| 16 CSR 50-2.090  | The County Employees' Retirement Fund       | 25        | MoReg 1125  |       |             |
| 16 CSR 50-2.100  | The County Employees' Retirement Fund       | 25        | MoReg 1126  |       |             |
| 16 CSR 50-2.110  | The County Employees' Retirement Fund       | 25        | MoReg 1126  |       |             |
| 16 CSR 50-2.120  | The County Employees' Retirement Fund       | 25        | MoReg 1127  |       |             |
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| 7 CSR 10-8.031  | Who is Governed and Bound by the USDOT and MoDOT DBE Program Regulations . . . . .                                      | November 6, 2000  |
| 7 CSR 10-8.040  | Procedures for Certification Renewal of Disadvantaged Business Enterprises . . . . .                                    | November 6, 2000  |
| 7 CSR 10-8.041  | Effective Date of the DBE Program Under 49 CFR Part 26 . . . . .  | November 6, 2000  |
| 7 CSR 10-8.050  | Challenge Procedures for Disadvantaged Business Enterprises . . . . .   | November 6, 2000  |
| 7 CSR 10-8.051  | Procedures and Policies for Initially Certifying and Recertifying<br>Disadvantaged Business Enterprise Firms . . . . .  | November 6, 2000  |
| 7 CSR 10-8.060  | Requirements to Participate in a Mentor-Protege Agreement . . . . .   | November 6, 2000  |
| 7 CSR 10-8.061  | Missouri Unified Certification Program . . . . .  | November 6, 2000  |
| 7 CSR 10-8.070  | Decertification Procedures for Disadvantaged Business Enterprises . . . . .   | November 6, 2000  |
| 7 CSR 10-8.071  | DBE Program Reporting and Disclosure Requirements for Currently<br>Certified DBE Firms . . . . .                        | November 6, 2000  |
| 7 CSR 10-8.080  | Determination and Review Procedures Governing the Failure to Perform a<br>Commercially Use Function . . . . .           | November 6, 2000  |
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| 7 CSR 10-8.090  | Finality of Department Determination in the Disadvantaged Business<br>Enterprise Program . . . . .                      | November 6, 2000  |
| 7 CSR 10-8.091  | MoDOT Procedures and Hearings to Remove a Firm's DBE Eligibility . . . . .  | November 6, 2000  |
| 7 CSR 10-8.101  | The Effect of a USDOT Certification Appeal . . . . .  | November 6, 2000  |
| 7 CSR 10-8.111  | Prompt Payment, Recordkeeping and Audit Requirements . . . . .  | November 6, 2000  |
| 7 CSR 10-8.121  | MoDOT DBE Program Annual Goals and Contract Goals . . . . .   | November 6, 2000  |
| 7 CSR 10-8.131  | DBE Participation Credit Toward Project or Contract Goals . . . . .   | November 6, 2000  |
| 7 CSR 10-8.141  | USDOT-Assisted DBE Contract Awards and Good-Faith Efforts . . . . .   | November 6, 2000  |
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| 7 CSR 10-8.200  | Disadvantaged Business Enterprise Set-Aside Program General . . . . .   | November 6, 2000  |
| 7 CSR 10-8.210  | Definitions . . . . .   | November 6, 2000  |
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**13 CSR 70-15.010** Inpatient Hospital Services Reimbursement Plan;

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    submission of data, fees; 10 CSR 10-6.110; 5/15/00, 10/2/00  
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    waiver; 10 CSR 10-5.375; 9/15/00  
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    particulate matter, industrial processes; 10 CSR 10-6.400; 2/15/00, 7/3/00

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## ASSISTIVE TECHNOLOGY PROGRAM

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## ATHLETIC TRAINERS, REGISTRATION OF

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    definitions; 15 CSR 60-10.010; 9/15/00  
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    law enforcement agencies; 15 CSR 60-10.020; 9/15/00

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    other than school districts; 15 CSR 40-3.110; 8/15/00  
    school districts; 15 CSR 40-3.100; 8/15/00

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**CANCER**

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    physician; 19 CSR 20-26.040; 7/3/00  
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coal exploration; 10 CSR 40-4.010; 5/1/00, 9/15/00  
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duration, release of liability; 10 CSR 40-7.021; 5/1/00, 9/15/00  
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inspection, enforcement; 10 CSR 40-8.030; 5/1/00, 9/15/00  
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reclamation, operation plan; 10 CSR 40-6.120; 5/1/00, 9/15/00  
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reviews, revisions, renewals; 10 CSR 40-6.090; 5/1/00, 9/15/00  
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#### **LANDSCAPE ARCHITECTURAL COUNCIL**

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examination; 4 CSR 196-5.020; 7/3/00  
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#### **LOTTERY, STATE**

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#### **MATERNAL, CHILD AND FAMILY HEALTH**

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#### **MEDICAID**

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#### **MENTAL HEALTH, DEPARTMENT OF**

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#### **METALLIC MINERALS WASTE MANAGEMENT**

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closure and inspection plan; 10 CSR 45-6.020; 4/17/00, 8/1/00  
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inspection fees; 2 CSR 80-5.010; 2/15/00, 3/15/00, 6/15/00

**MINORITY/WOMEN BUSINESS ENTERPRISE**

certification; 1 CSR 10-17.040; 5/1/00, 9/1/00  
participation in procurement process; 1 CSR 10-17.050; 5/1/00, 9/1/00

**MOTOR VEHICLE**

fees assessed; 12 CSR 10-25.090; 2/15/00, 6/1/00  
filing report of accident; 12 CSR 10-25.050; 10/2/00  
financial responsibility  
    failure to show proof of; 12 CSR 10-25.130; 10/2/00  
    inoperable/stored vehicles; 12 CSR 10-25.140; 10/2/00  
    sampling; 12 CSR 10-25.150; 10/2/00  
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notice of lien; 12 CSR 10-23.446; 7/17/00

**MOTOR VEHICLE INSPECTION DIVISION**

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    components; 11 CSR 50-2.160; 3/1/00, 6/15/00  
    performance; 11 CSR 50-2.150; 3/1/00, 6/15/00  
fuel system; 11 CSR 50-2.290; 3/1/00, 6/15/00  
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    operational requirements; 11 CSR 50-2.090; 3/1/00, 6/15/00  
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reimbursement  
    allowance; 13 CSR 70-10.110; 4/3/00, 9/1/00  
    nursing facility services; 13 CSR 70-10.015; 8/1/00, 9/1/00  
    HIV; 13 CSR 70-10.080; 8/1/00, 9/1/00

**NURSING, STATE BOARD OF**

fees; 4 CSR 200-4.010; 7/3/00  
licensure; 4 CSR 200-4.020; 6/15/00, 10/2/00  
mandatory reporting; 4 CSR 200-4.040; 8/15/00

**OCCUPATIONAL THERAPY, MISSOURI BOARD OF**

application; 4 CSR 205-3.030; 7/3/00  
license renewal; 4 CSR 205-3.040; 7/3/00  
supervision, aides; 4 CSR 205-4.030; 10/2/00

**OPERATION PAYBACK PROGRAM**

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organization disqualification; 11 CSR 30-9.050; 4/3/00, 7/17/00  
participation eligibility; 11 CSR 30-9.020; 4/3/00, 7/17/00  
reimbursement criteria; 11 CSR 30-9.030; 4/3/00, 7/17/00  
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**PEACE OFFICER STANDARDS AND TRAINING PROGRAM (POST)**

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    requirements and terms; 11 CSR 75-3.030; 7/17/00  
continuing education  
    application; 11 CSR 75-11.060, 3/15/00, 7/3/00  
    completion; 11 CSR 75-11.030; 9/15/00  
    course providers; 11 CSR 75-11.070, 3/15/00, 7/3/00, 9/15/00  
    failing to maintain requirements; 11 CSR 75-11.040; 9/15/00  
    minimum requirements; 11 CSR 75-11.010; 9/15/00

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trainee attendance, performance; 11 CSR 75-11.020; 9/15/00  
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eligibility for certification; 11 CSR 75-3.020, 3/15/00, 7/3/00  
trainee attendance, performance; 11 CSR 75-6.020; 6/15/00, 9/15/00  
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    certifying basic courses; 11 CSR 75-6.030; 6/15/00, 10/2/00  
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**PERSONNEL ADVISORY BOARD AND DIVISION OF PERSONNEL**

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hours of work and holidays; 1 CSR 20-5.010; 5/15/00, 9/15/00  
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**PETROLEUM STORAGE TANK INSURANCE FUND**

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definitions; 10 CSR 100-2.010; 5/1/00, 8/15/00

**PHARMACY, STATE BOARD OF**

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drug distributor licensing; 4 CSR 220-5.020; 4/17/00, 8/15/00  
    out-of-state; 4 CSR 220-5.050; 4/17/00, 8/15/00  
drug repackaging; 4 CSR 220-2.130; 9/1/00  
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**PHYSICAL THERAPISTS, AND ASSISTANTS**

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continuing education; 4 CSR 150-3.203; 3/1/00, 8/15/00, 10/2/00  
fees; 4 CSR 150-3.080; 5/15/00, 9/1/00  
licensure; 4 CSR 150-3.170; 5/15/00, 9/1/00

**PHYSICIAN ASSISTANTS**

applicants; 4 CSR 150-7.300; 3/1/00, 8/15/00  
    late registration, reinstatement; 4 CSR 150-7.125; 3/1/00, 8/15/00  
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    applicants; 4 CSR 150-7.100; 3/1/00, 8/15/00  
    renewal; 4 CSR 150-7.310; 3/1/00, 8/15/00  
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**PHYSICIANS AND SURGEONS**

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examination; 4 CSR 150-2.005; 3/1/00, 8/15/00  
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**PODIATRIC MEDICINE, STATE BOARD OF**

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**PSYCHOLOGISTS, STATE COMMITTEE OF**

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contaminant levels, maximum; 10 CSR 60-4.010; 1/14/00, 7/3/00  
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turbidity and monitoring; 10 CSR 60-4.050; 1/14/00, 7/3/00  
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**PUBLIC SERVICE COMMISSION**

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**PURCHASING AND MATERIALS MANAGEMENT**

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organization; 1 CSR 40-1.010; 5/1/00, 9/1/00  
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confirmation; 4 CSR 250-8.096; 2/15/00, 6/1/00  
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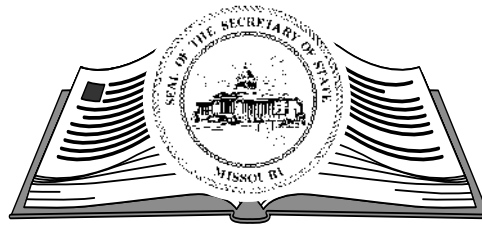
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